

SECOND REGULAR SESSION

# SENATE BILL NO. 882

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GREEN.

Read 1st time February 3, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4651S.02I

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## AN ACT

To repeal sections 105.473, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.036, 130.046, 130.057, 130.071, 138.190, 138.200, 215.020, 286.010, 386.050, and 621.015, RSMo, and to enact in lieu thereof twenty new sections relating to the ethics commission, with penalty provisions for certain sections.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 105.473, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.036, 130.046, 130.057, 130.071, 138.190, 138.200, 215.020, 286.010, 386.050, and 621.015, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 105.473, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.036, 130.046, 130.057, 130.071, 138.190, 138.200, 215.020, 286.010, 386.050, and 621.015, to read as follows:

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 representation. The filing fee shall be deposited to the general revenue fund of  
13 the state. The lobbyist principal or a lobbyist employing another person for  
14 lobbying purposes may notify the commission that a judicial, executive or  
15 legislative lobbyist is no longer authorized to lobby for the principal or the  
16 lobbyist and should be removed from the commission's files.

17 2. Each person shall, before giving testimony before any committee of the  
18 general assembly, give to the secretary of such committee such person's name and  
19 address and the identity of any lobbyist or organization, if any, on whose behalf  
20 such person appears. A person who is not a lobbyist as defined in section 105.470  
21 shall not be required to give such person's address if the committee determines  
22 that the giving of such address would endanger the person's physical health.

23 3. (1) During any period of time in which a lobbyist continues to act as  
24 an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local  
25 government official lobbyist, the lobbyist shall file with the commission on  
26 standardized forms prescribed by the commission monthly reports which shall be  
27 due at the close of business on the tenth day of the following month;

28 (2) Each report filed pursuant to this subsection shall include a  
29 statement, verified by a written declaration that it is made under the penalties  
30 of perjury, setting forth the following:

31 (a) The total of all expenditures by the lobbyist or his or her lobbyist  
32 principals made on behalf of all public officials, their staffs and employees, and  
33 their spouses and dependent children, which expenditures shall be separated into  
34 at least the following categories by the executive branch, judicial branch and  
35 legislative branch of government: printing and publication expenses; media and  
36 other advertising expenses; travel; the time, venue, and nature of any  
37 entertainment; honoraria; meals, food and beverages; and gifts;

38 (b) The total of all expenditures by the lobbyist or his or her lobbyist  
39 principals made on behalf of all elected local government officials, their staffs and  
40 employees, and their spouses and children. Such expenditures shall be separated  
41 into at least the following categories: printing and publication expenses; media  
42 and other advertising expenses; travel; the time, venue, and nature of any  
43 entertainment; honoraria; meals; food and beverages; and gifts;

44 (c) An itemized listing of the name of the recipient and the nature and  
45 amount of each expenditure by the lobbyist or his or her lobbyist principal,  
46 including a service or anything of value, for all expenditures made during any  
47 reporting period, paid or provided to or for a public official or elected local

48 government official, such official's staff, employees, spouse or dependent children;

49 (d) The total of all expenditures made by a lobbyist or lobbyist principal  
50 for occasions and the identity of the group invited, the date and description of the  
51 occasion and the amount of the expenditure for each occasion when any of the  
52 following are invited in writing:

53 a. All members of the senate;

54 b. All members of the house of representatives;

55 c. All members of a joint committee of the general assembly or a standing  
56 committee of either the house of representatives or senate; or

57 d. All members of a caucus of the majority party of the house of  
58 representatives, minority party of the house of representatives, majority party of  
59 the senate, or minority party of the senate;

60 (e) Any expenditure made on behalf of a public official, an elected local  
61 government official or such official's staff, employees, spouse or dependent  
62 children, if such expenditure is solicited by such official, the official's staff,  
63 employees, or spouse or dependent children, from the lobbyist or his or her  
64 lobbyist principals and the name of such person or persons, except any  
65 expenditures made to any not-for-profit corporation, charitable, fraternal or civic  
66 organization or other association formed to provide for good in the order of  
67 benevolence;

68 (f) A statement detailing any direct business relationship or association  
69 or partnership the lobbyist has with any public official or elected local  
70 government official. The reports required by this subdivision shall cover the time  
71 periods since the filing of the last report or since the lobbyist's employment or  
72 representation began, whichever is most recent.

73 4. No expenditure reported pursuant to this section shall include any  
74 amount expended by a lobbyist or lobbyist principal on himself or herself. All  
75 expenditures disclosed pursuant to this section shall be valued on the report at  
76 the actual amount of the payment made, or the charge, expense, cost, or  
77 obligation, debt or bill incurred by the lobbyist or the person the lobbyist  
78 represents. Whenever a lobbyist principal employs more than one lobbyist,  
79 expenditures of the lobbyist principal shall not be reported by each lobbyist, but  
80 shall be reported by one of such lobbyists. No expenditure shall be made on  
81 behalf of a state senator or state representative, or such public official's staff,  
82 employees, spouse, or dependent children for travel or lodging outside the state  
83 of Missouri unless such travel or lodging was approved prior to the date of the

84 expenditure by the administration and accounts committee of the house or the  
85 administration committee of the senate.

86         5. Any lobbyist principal shall provide in a timely fashion whatever  
87 information is reasonably requested by the lobbyist principal's lobbyist for use in  
88 filing the reports required by this section.

89         6. **The lobbyist or lobbyist principal shall maintain accurate**  
90 **records and accounts of lobbyist expenditures defined by subdivision**  
91 **(3) of section 105.470 on a current basis. The records and accounts**  
92 **shall be maintained in accordance with accepted normal bookkeeping**  
93 **procedures and shall contain the bills, receipts, deposit records,**  
94 **canceled checks, and other detailed information necessary to prepare**  
95 **and substantiate any statement or report required to be filed under this**  
96 **chapter. Every person who acts as an agent for a lobbyist or lobbyist**  
97 **principal shall, within twenty-four hours of a request of that lobbyist**  
98 **or lobbyist principal regarding such act, deliver to the lobbyist or**  
99 **lobbyist principal a detailed account thereof, including names,**  
100 **addresses, dates, exact amounts, and any other details required by the**  
101 **lobbyist or lobbyist principal to comply with this chapter.**

102         7. All information required to be filed pursuant to the provisions of this  
103 section with the commission shall be kept available by the executive director of  
104 the commission at all times open to the public for inspection and copying for a  
105 reasonable fee for a period of five years from the date when such information was  
106 filed.

107         **[7.] 8.** No person shall knowingly employ any person who is required to  
108 register as a registered lobbyist but is not registered pursuant to this  
109 section. Any person who knowingly violates this subsection shall be subject to a  
110 civil penalty in an amount of not more than ten thousand dollars for each  
111 violation. Such civil penalties shall be collected by action filed by the  
112 commission.

113         **[8.] 9.** No lobbyist shall knowingly omit, conceal, or falsify in any manner  
114 information required pursuant to this section.

115         **[9.] 10.** The prosecuting attorney of Cole County shall be reimbursed only  
116 out of funds specifically appropriated by the general assembly for investigations  
117 and prosecutions for violations of this section.

118         **[10.] 11.** Any public official or other person whose name appears in any  
119 lobbyist report filed pursuant to this section who contests the accuracy of the

120 portion of the report applicable to such person may petition the commission for  
121 an audit of such report and shall state in writing in such petition the specific  
122 disagreement with the contents of such report. The commission shall investigate  
123 such allegations in the manner described in section 105.959. If the commission  
124 determines that the contents of such report are incorrect, incomplete or  
125 erroneous, it shall enter an order requiring filing of an amended or corrected  
126 report.

127       **[11.] 12.** The commission shall provide a report listing the total spent by  
128 a lobbyist for the month and year to any member or member-elect of the general  
129 assembly, judge or judicial officer, or any other person holding an elective office  
130 of state government or any elected local government official on or before the  
131 twentieth day of each month. For the purpose of providing accurate information  
132 to the public, the commission shall not publish information in either written or  
133 electronic form for ten working days after providing the report pursuant to this  
134 subsection. The commission shall not release any portion of the lobbyist report  
135 if the accuracy of the report has been questioned pursuant to subsection 10 of this  
136 section unless it is conspicuously marked "Under Review".

137       **[12.] 13.** Each lobbyist or lobbyist principal by whom the lobbyist was  
138 employed, or in whose behalf the lobbyist acted, shall provide a general  
139 description of the proposed legislation or action by the executive branch or  
140 judicial branch which the lobbyist or lobbyist principal supported or  
141 opposed. This information shall be supplied to the commission on March fifteenth  
142 and May thirtieth of each year.

143       **[13.] 14.** The provisions of this section shall supersede any contradicting  
144 ordinances or charter provisions.

105.487. The financial interest statements shall be filed at the following  
2 times, but no person is required to file more than one financial interest statement  
3 in any calendar year:

4       (1) Each candidate for elective office, except those candidates for county  
5 committee of a political party pursuant to section 115.609, RSMo, or section  
6 115.611, RSMo, who is required to file a personal financial disclosure statement  
7 shall file a financial interest statement no later than fourteen days after the close  
8 of filing at which the candidate seeks nomination or election, and the statement  
9 shall be for the twelve months prior to the closing date, except that in the event  
10 an individual does not become a candidate until after the date of certification for  
11 candidates, the statement shall be filed within fourteen days of the individual's

12 nomination by caucus. An individual required to file a financial interest  
13 statement because of the individual's candidacy for office prior to a primary  
14 election in accordance with this section is also required to amend such statement  
15 no later than the close of business on Monday prior to the general election to  
16 reflect any changes in financial interest during the interim. The appropriate  
17 election authority shall provide to the candidate at the time of filing for [election]  
18 **office** written notice of the candidate's obligation to file pursuant to sections  
19 105.483 to 105.492 and the candidate shall sign a statement acknowledging  
20 receipt of such notice;

21 (2) Each person appointed to office, except any person elected for county  
22 committee of a political party pursuant to section 115.617, RSMo, and each  
23 official or employee described in section 105.483 who is not otherwise covered in  
24 this subsection shall file the statement within thirty days of such appointment  
25 or employment. **This statement shall cover the time period described in**  
26 **subdivision (1) of this section;**

27 (3) Every other person required by sections 105.483 to 105.492 to file a  
28 financial interest statement shall file the statement annually not later than the  
29 first day of May and the statement shall cover the calendar year ending the  
30 immediately preceding December thirty-first; provided that the governor,  
31 lieutenant governor, any member of the general assembly or any member of the  
32 governing body of a political subdivision may supplement such person's financial  
33 interest statement to report additional interests acquired after December  
34 thirty-first of the covered year until the date of filing of the financial interest  
35 statement;

36 (4) The deadline for filing any statement required by sections 105.483 to  
37 105.492 shall be 5:00 p.m. of the last day designated for filing the  
38 statement. When the last day of filing falls on a Saturday or Sunday or on an  
39 official state holiday, the deadline for filing is extended to 5:00 p.m. on the next  
40 day which is not a Saturday or Sunday or official holiday. Any statement  
41 required within a specified time shall be deemed to be timely filed if it is  
42 postmarked not later than midnight of the day [previous to the last day]  
43 designated for filing the statement.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six  
2 members, is hereby established. The commission shall be assigned to the office  
3 of administration with supervision by the office of administration only for  
4 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6

5 of section 1 of the Reorganization Act of 1974. Supervision by the office of  
6 administration shall not extend to matters relating to policies, regulative  
7 functions or appeals from decisions of the commission, and the commissioner of  
8 administration, any employee of the office of administration, or the governor,  
9 either directly or indirectly, shall not participate or interfere with the activities  
10 of the commission in any manner not specifically provided by law and shall not  
11 in any manner interfere with the budget request of or withhold any moneys  
12 appropriated to the commission by the general assembly. All members of the  
13 commission shall be appointed by the governor with the advice and consent of the  
14 senate from lists submitted pursuant to this section. Each congressional district  
15 committee of the political parties having the two highest number of votes cast for  
16 their candidate for governor at the last gubernatorial election shall submit two  
17 names of eligible nominees for membership on the commission to the governor,  
18 and the governor shall select six members from such nominees to serve on the  
19 commission.

20       2. Within thirty days of submission of the person's name to the governor  
21 as provided in subsection 1 of this section, and in order to be an eligible nominee  
22 for appointment to the commission, a person shall file a financial interest  
23 statement in the manner provided by section 105.485 and shall provide the  
24 governor, the president pro tempore of the senate, and the commission with a list  
25 of all political contributions and the name of the candidate or committee, political  
26 party, or continuing committee, as defined in chapter 130, RSMo, to which those  
27 contributions were made within the four-year period prior to such appointment,  
28 made by the nominee, the nominee's spouse, or any business entity in which the  
29 nominee has a substantial interest. The information shall be maintained by the  
30 commission and available for public inspection during the period of time during  
31 which the appointee is a member of the commission. In order to be an eligible  
32 nominee for membership on the commission, a person shall be a citizen and a  
33 resident of the state and shall have been a registered voter in the state for a  
34 period of at least five years preceding the person's appointment.

35       3. The term of each member shall be for four years, except that of the  
36 members first appointed, the governor shall select three members from  
37 even-numbered congressional districts and three members from odd-numbered  
38 districts. Not more than three members of the commission shall be members of  
39 the same political party, nor shall more than one member be from any one United  
40 States congressional district. Not more than two members appointed from the

41 even-numbered congressional districts shall be members of the same political  
42 party, and no more than two members from the odd-numbered congressional  
43 districts shall be members of the same political party. Of the members first  
44 appointed, the terms of the members appointed from the odd-numbered  
45 congressional districts shall expire on March 15, 1994, and the terms of the  
46 members appointed from the even-numbered congressional districts shall expire  
47 on March 15, 1996. Thereafter all successor members of the commission shall be  
48 appointed for four-year terms. Terms of successor members of the commission  
49 shall expire on March fifteenth of the fourth year of their term. No member of  
50 the commission shall serve on the commission after the expiration of the  
51 member's term **or until all members' vacancies are filled, as provided in**  
52 **subsections 2 and 3 of this section, with such term extensions not to**  
53 **exceed one hundred twenty days. No person shall be appointed to more**  
54 **than one full four-year term plus one hundred twenty days, if needed,**  
55 **on the commission.** No person shall be appointed to more than one full  
56 four-year term on the commission.

57 4. Vacancies or expired terms on the commission shall be filled in the  
58 same manner as the original appointment was made, except as provided in this  
59 subsection. Within thirty days of the vacancy or ninety days before the expiration  
60 of the term, the names of two eligible nominees for membership on the  
61 commission shall be submitted to the governor by the congressional district  
62 committees of the political party or parties of the vacating member or members,  
63 from the even- or odd-numbered congressional districts, based on the residence  
64 of the vacating member or members, other than from the congressional district  
65 committees from districts then represented on the commission and from the same  
66 congressional district party committee or committees which originally appointed  
67 the member or members whose positions are vacated. Appointments to fill  
68 vacancies or expired terms shall be made within forty-five days after the deadline  
69 for submission of names by the congressional district committees, and shall be  
70 subject to the same qualifications for appointment and eligibility as is provided  
71 in subsections 2 and 3 of this section. Appointments to fill vacancies for  
72 unexpired terms shall be for the remainder of the unexpired term of the member  
73 whom the appointee succeeds, and such appointees shall be eligible for  
74 appointment to one full four-year term. If the congressional district committee  
75 does not submit the required two nominees within the thirty days or if the  
76 congressional district committee does not submit the two nominees within an



77 additional thirty days after receiving notice from the governor to submit the  
78 nominees, then the governor may appoint a person or persons who shall be  
79 subject to the same qualifications for appointment and eligibility as provided in  
80 subsections 2 and 3 of this section.

81         5. The governor, with the advice and consent of the senate, may remove  
82 any member only for substantial neglect of duty, inability to discharge the powers  
83 and duties of office, gross misconduct or conviction of a felony or a crime involving  
84 moral turpitude. Members of the commission also may be removed from office by  
85 concurrent resolution of the general assembly signed by the governor. If such  
86 resolution receives the vote of two-thirds or more of the membership of both  
87 houses of the general assembly, the signature of the governor shall not be  
88 necessary to effect removal. The office of any member of the commission who  
89 moves from the congressional district from which the member was appointed shall  
90 be deemed vacated upon such change of residence.

91         6. The commission shall elect biennially one of its members as the  
92 chairman. The chairman may not succeed himself or herself after two years. No  
93 member of the commission shall succeed as chairman any member of the same  
94 political party as himself or herself. At least four members are necessary to  
95 constitute a quorum, and at least four affirmative votes shall be required for any  
96 action or recommendation of the commission.

97         7. No member or employee of the commission, during the person's term  
98 of service, shall hold or be a candidate for any other public office.

99         8. In the event that a retired judge is appointed as a member of the  
100 commission, the judge shall not serve as a special investigator while serving as  
101 a member of the commission.

102         9. No member of the commission shall, during the member's term of  
103 service or within one year thereafter:

- 104         (1) Be employed by the state or any political subdivision of the state;
- 105         (2) Be employed as a lobbyist;
- 106         (3) Serve on any other governmental board or commission;
- 107         (4) Be an officer of any political party or political organization;
- 108         (5) Permit the person's name to be used, or make contributions, in support  
109 of or in opposition to any candidate or proposition;
- 110         (6) Participate in any way in any election campaign; except that a member  
111 or employee of the commission shall retain the right to register and vote in any  
112 election, to express the person's opinion privately on political subjects or

113 candidates, to participate in the activities of a civic, community, social, labor or  
114 professional organization and to be a member of a political party.

115       10. Each member of the commission shall receive, as full compensation for  
116 the member's services, the sum of one hundred dollars per day for each full day  
117 actually spent on work of the commission, and the member's actual and necessary  
118 expenses incurred in the performance of the member's official duties.

119       11. The commission shall appoint an executive director who shall serve  
120 subject to the supervision of and at the pleasure of the commission[, but in no  
121 event for more than six years]. The executive director shall be responsible for the  
122 administrative operations of the commission and perform such other duties as  
123 may be delegated or assigned to the director by law or by rule of the  
124 commission. The executive director shall employ staff and retain such contract  
125 services as the director deems necessary, within the limits authorized by  
126 appropriations by the general assembly.

127       12. Beginning on January 1, 1993, all lobbyist registration and  
128 expenditure reports filed pursuant to section 105.473, financial interest  
129 statements filed pursuant to subdivision (1) of section 105.489, and campaign  
130 finance disclosure reports filed other than with election authorities or local  
131 election authorities as provided by section 130.026, RSMo, shall be filed with the  
132 commission.

133       13. Within sixty days of the initial meeting of the first commission  
134 appointed, the commission shall obtain from the clerk of the supreme court or the  
135 state courts administrator a list of retired appellate and circuit court judges who  
136 did not leave the judiciary as a result of being defeated in an election. The  
137 executive director shall determine those judges who indicate their desire to serve  
138 as special investigators and to investigate any and all complaints referred to  
139 them by the commission. The executive director shall maintain an updated list  
140 of those judges qualified and available for appointment to serve as special  
141 investigators. Such list shall be updated at least annually. The commission shall  
142 refer complaints to such special investigators on that list on a rotating schedule  
143 which ensures a random assignment of each special investigator. Each special  
144 investigator shall receive only one unrelated investigation at a time and shall not  
145 be assigned to a second or subsequent investigation until all other eligible  
146 investigators on the list have been assigned to an investigation. In the event that  
147 no special investigator is qualified or available to conduct a particular  
148 investigation, the commission may appoint a special investigator to conduct such

149 particular investigation.

150       14. The commission shall have the following duties and responsibilities  
151 relevant to the impartial and effective enforcement of sections 105.450 to 105.496  
152 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

153       (1) Receive and review complaints regarding alleged violation of sections  
154 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and  
155 investigations regarding such complaints as provided herein; refer complaints to  
156 appropriate prosecuting authorities and appropriate disciplinary authorities along  
157 with recommendations for sanctions; and initiate judicial proceedings as allowed  
158 by sections 105.955 to 105.963;

159       (2) Review and [audit] **investigate** any reports and statements required  
160 by the campaign finance disclosure laws contained in chapter 130, RSMo, and  
161 financial interest disclosure laws or lobbyist registration and reporting laws as  
162 provided by sections 105.470 to 105.492, for timeliness, accuracy and  
163 completeness of content as provided in sections 105.955 to 105.963;

164       (3) **Conduct investigations as provided in subsection 2 of section**  
165 **105.959;**

166       (4) Develop appropriate systems to file and maintain an index of all such  
167 reports and statements to facilitate public access to such information, except as  
168 may be limited by confidentiality requirements otherwise provided by law,  
169 including cross-checking of information contained in such statements and  
170 reports. The commission may enter into contracts with the appropriate filing  
171 officers to effectuate such system. Such filing officers shall cooperate as  
172 necessary with the commission as reasonable and necessary to effectuate such  
173 purposes;

174       [(4)] (5) Provide information and assistance to lobbyists, elected and  
175 appointed officials, and employees of the state and political subdivisions in  
176 carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;

177       [(5)] (6) Make recommendations to the governor and general assembly  
178 or any state agency on the need for further legislation with respect to the ethical  
179 conduct of public officials and employees and to advise state and local government  
180 in the development of local government codes of ethics and methods of disclosing  
181 conflicts of interest as the commission may deem appropriate to promote high  
182 ethical standards among all elected and appointed officials or employees of the  
183 state or any political subdivision thereof and lobbyists;

184       [(6)] (7) Render advisory opinions as provided by this section;

185           [(7)] (8) Promulgate rules relating to the provisions of sections 105.955  
186 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the  
187 commission shall be prospective only in operation;

188           [(8)] (9) Request and receive from the officials and entities identified in  
189 subdivision (6) of section 105.450 designations of decision-making public servants.

190           15. In connection with such powers provided by sections 105.955 to  
191 105.963 and chapter 130, RSMo, the commission may:

192           (1) Subpoena witnesses and compel their attendance and  
193 testimony. Subpoenas shall be served and enforced in the same manner provided  
194 by section 536.077, RSMo, **except that during an investigation, the**  
195 **commission may delegate the power to issue subpoenas to the executive**  
196 **director;**

197           (2) Administer oaths and affirmations;

198           (3) Take evidence and require by subpoena duces tecum the production of  
199 books, papers, and other records relating to any matter being investigated or to  
200 the performance of the commission's duties or exercise of its powers. Subpoenas  
201 duces tecum shall be served and enforced in the same manner provided by section  
202 536.077, RSMo, **except that during an investigation, the commission may**  
203 **delegate the power to issue subpoenas duces tecum to the executive**  
204 **director;**

205           (4) Employ such personnel, including legal counsel, and contract for  
206 services including legal counsel, within the limits of its appropriation, as it deems  
207 necessary provided such legal counsel, either employed or contracted, represents  
208 the Missouri ethics commission before any state agency or before the courts at the  
209 request of the Missouri ethics commission. Nothing in this section shall limit the  
210 authority of the Missouri ethics commission as provided for in subsection 2 of  
211 section 105.961; and

212           (5) Obtain information from any department, division or agency of the  
213 state or any political subdivision reasonably calculated to lead to the discovery  
214 of evidence which will reasonably assist the commission in carrying out the duties  
215 prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

216           16. (1) Upon written request for an advisory opinion received by the  
217 commission, and if the commission determines that the person requesting the  
218 opinion would be directly affected by the application of law to the facts presented  
219 by the requesting person, the commission shall issue a written opinion advising  
220 the person who made the request, in response to the person's particular request,

221 regarding any issue that the commission can receive a complaint on pursuant to  
222 section 105.957. The commission may decline to issue a written opinion by a vote  
223 of four members and shall provide to the requesting person the reason for the  
224 refusal in writing. The commission shall give an approximate time frame as to  
225 when the written opinion shall be issued. Such advisory opinions shall be issued  
226 no later than ninety days from the date of receipt by the commission. Such  
227 requests and advisory opinions, deleting the name and identity of the requesting  
228 person, shall be compiled and published by the commission on at least an annual  
229 basis. Advisory opinions issued by the commission shall be maintained and made  
230 available for public inspection and copying at the office of the commission during  
231 normal business hours. Any advisory opinion or portion of an advisory opinion  
232 rendered pursuant to this subsection shall be withdrawn by the commission if,  
233 after hearing thereon, the joint committee on administrative rules finds that such  
234 advisory opinion is beyond or contrary to the statutory authority of the  
235 commission or is inconsistent with the legislative intent of any law enacted by the  
236 general assembly, and after the general assembly, by concurrent resolution, votes  
237 to adopt the findings and conclusions of the joint committee on administrative  
238 rules. Any such concurrent resolution adopted by the general assembly shall be  
239 published at length by the commission in its publication of advisory opinions of  
240 the commission next following the adoption of such resolution, and a copy of such  
241 concurrent resolution shall be maintained by the commission, along with the  
242 withdrawn advisory opinion, in its public file of advisory opinions. The  
243 commission shall also send a copy of such resolution to the person who originally  
244 requested the withdrawn advisory opinion. Any advisory opinion issued by the  
245 ethics commission shall act as legal direction to any person requesting such  
246 opinion and no person shall be liable for relying on the opinion and it shall act  
247 as a defense of justification against prosecution. An advisory opinion of the  
248 commission shall not be withdrawn unless:

- 249       (a) The authorizing statute is declared unconstitutional;
- 250       (b) The opinion goes beyond the power authorized by statute; or
- 251       (c) The authorizing statute is changed to invalidate the opinion.
- 252       (2) Upon request, the attorney general shall give the attorney general's
- 253 opinion, without fee, to the commission, any elected official of the state or any
- 254 political subdivision, any member of the general assembly, or any director of any
- 255 department, division or agency of the state, upon any question of law regarding
- 256 the effect or application of sections 105.450 to 105.496, or chapter 130,

257 RSMo. Such opinion need be in writing only upon request of such official,  
258 member or director, and in any event shall be rendered within sixty days [that]  
259 **after** such request is delivered to the attorney general.

260         17. The state auditor and the state auditor's duly authorized employees  
261 who have taken the oath of confidentiality required by section 29.070, RSMo, may  
262 audit the commission and in connection therewith may inspect materials relating  
263 to the functions of the commission. Such audit shall include a determination of  
264 whether appropriations were spent within the intent of the general assembly, but  
265 shall not extend to review of any file or document pertaining to any particular  
266 investigation, audit or review by the commission, an investigator or any staff or  
267 person employed by the commission or under the supervision of the commission  
268 or an investigator. The state auditor and any employee of the state auditor shall  
269 not disclose the identity of any person who is or was the subject of an  
270 investigation by the commission and whose identity is not public information as  
271 provided by law.

272         18. From time to time but no more frequently than annually the  
273 commission may request the officials and entities described in subdivision (6) of  
274 section 105.450 to identify for the commission in writing those persons associated  
275 with such office or entity which such office or entity has designated as a  
276 decision-making public servant. Each office or entity delineated in subdivision  
277 (6) of section 105.450 receiving such a request shall identify those so designated  
278 within thirty days of the commission's request.

          105.957. 1. The commission shall receive any complaints alleging  
2 violation of the provisions of:

3         (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4         (2) The financial interest disclosure requirements contained in sections  
5 105.483 to 105.492;

6         (3) The campaign finance disclosure requirements contained in chapter  
7 130, RSMo;

8         (4) Any code of conduct promulgated by any department, division or  
9 agency of state government, or by state institutions of higher education, or by  
10 executive order;

11         (5) The conflict of interest laws contained in sections 105.450 to 105.468  
12 and section 171.181, RSMo; and

13         (6) The provisions of the constitution or state statute or order, ordinance  
14 or resolution of any political subdivision relating to the official conduct of officials

15 or employees of the state and political subdivisions.

16           2. Complaints filed with the commission shall be in writing and filed only  
17 by a natural person. The complaint shall contain all facts known by the  
18 complainant that have given rise to the complaint and the complaint shall be  
19 sworn to, under penalty of perjury, by the complainant. No complaint shall be  
20 investigated unless the complaint alleges facts which, if true, fall within the  
21 jurisdiction of the commission. Within five days after receipt [of a complaint] by  
22 the commission **of a complaint which is properly signed and notarized,**  
23 **and which alleges facts which, if true, fall within the jurisdiction of the**  
24 **commission**, a copy of the complaint, including the name of the complainant,  
25 shall be delivered to the alleged violator.

26           3. No complaint shall be investigated which concerns alleged criminal  
27 conduct which allegedly occurred previous to the period of time allowed by law for  
28 criminal prosecution for such conduct. The commission may refuse to investigate  
29 any conduct which is the subject of civil or criminal litigation. The commission,  
30 its executive director or an investigator shall not investigate any complaint  
31 concerning conduct which is not criminal in nature which occurred more than two  
32 years prior to the date of the complaint. A complaint alleging misconduct on the  
33 part of a candidate for public office, other than those alleging failure to file the  
34 appropriate financial interest statements or campaign finance disclosure reports,  
35 shall not be accepted by the commission within sixty days prior to the primary  
36 election at which such candidate is running for office, and until after the general  
37 election.

38           4. If the commission finds that any complaint is frivolous in nature [or  
39 finds no probable cause to believe that there has been a violation], the  
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"  
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who  
42 submits a frivolous complaint shall be liable for actual and compensatory  
43 damages to the alleged violator for holding the alleged violator before the public  
44 in a false light. If the commission finds that a complaint is frivolous [or that  
45 there is not probable cause to believe there has been a violation], the commission  
46 shall issue a public report to the complainant and the alleged violator stating  
47 with particularity its reasons for dismissal of the complaint. Upon such issuance,  
48 the complaint and all materials relating to the complaint shall be a public record  
49 as defined in chapter 610, RSMo.

50           5. Complaints which allege violations as described in this section which

51 are filed with the commission shall be handled as provided by section 105.961.

105.959. 1. The executive director of the commission, under the  
2 supervision of the commission, shall review reports and statements filed with the  
3 commission or other appropriate officers pursuant to sections 105.470, 105.483  
4 to 105.492, and chapter 130, RSMo, for completeness, accuracy and timeliness of  
5 filing of the reports or statements **and any records relating to the reports**  
6 **or statements**, and upon review, if there are reasonable grounds to believe that  
7 a violation has occurred, shall conduct an [audit] **investigation** of such reports,  
8 [and] statements, **and records and assign a special investigator following**  
9 **the provisions of subsection 1 of section 105.961.** [All investigations by the  
10 executive director of an alleged violation shall be strictly confidential with the  
11 exception of notification of the commission and the complainant or the person  
12 under investigation. All investigations by the executive director shall be limited  
13 to the information contained in the reports or statements. The commission shall  
14 notify the complainant or the person under investigation, by registered mail,  
15 within five days of the decision to conduct such investigation. Revealing any such  
16 confidential investigation information shall be cause for removal or dismissal of  
17 the executive director or a commission member or employee.]

18 2. (1) **The executive director, under supervision of the**  
19 **commission, if there are reasonable grounds to believe that a violation**  
20 **has occurred, may conduct an independent investigation without**  
21 **receipt of a complaint of any potential violations of the provisions of:**

22 (a) **The requirements imposed on lobbyists by section 105.470 to**  
23 **105.478;**

24 (b) **The financial interest disclosure requirements contained in**  
25 **sections 105.483 to 105.492;**

26 (c) **The campaign finance disclosure requirements contained in**  
27 **chapter 130;**

28 (d) **Any code of conduct promulgated by any department,**  
29 **division, or agency of state government, or by state institutions of**  
30 **higher education, or by executive order;**

31 (e) **The conflict of interest laws contained in sections 105.450 to**  
32 **105.468 and section 171.181; and**

33 (f) **The provisions of the constitution or state statute or order,**  
34 **ordinance, or resolution of any political subdivision relating to the**  
35 **official conduct of officials or employees of the state and political**



36 subdivisions.

37           (2) The commission shall notify the person under investigation  
38 under this section, by registered mail, within five days of the decision  
39 to conduct such investigation and assign a special investigator  
40 following the provisions of subsection 1 of section 105.961.

41           (3) If an investigation conducted under this subsection fails to  
42 establish reasonable grounds to believe that a violation has occurred,  
43 the investigation shall be terminated and the person who had been  
44 under investigation shall be notified of the reasons for the disposition  
45 of the complaint.

46           3. Upon findings of the appropriate filing officer which are reported to the  
47 commission in accordance with the provisions of section 130.056, RSMo, the  
48 executive director shall [audit] **investigate** disclosure reports, statements and  
49 records pertaining to such findings within a reasonable time after receipt of the  
50 reports from the appropriate filing officer.

51           [3. Upon a sworn written complaint of any natural person filed with the  
52 commission pursuant to section 105.957, the commission shall audit and  
53 investigate alleged violations. Within sixty days after receipt of a sworn written  
54 complaint alleging a violation, the executive director shall notify the complainant  
55 in writing of the action, if any, the executive director has taken and plans to take  
56 on the complaint. If an investigation conducted pursuant to this subsection fails  
57 to establish reasonable grounds to believe that a violation has occurred, the  
58 investigation shall be terminated and the complainant and the person who had  
59 been under investigation shall be notified of the reasons for the disposition of the  
60 complaint.]

61           4. The commission may make such investigations and inspections within  
62 or outside of this state as are necessary to determine compliance.

63           5. [If, during an audit or investigation, the commission determines that  
64 a formal investigation is necessary, the commission shall assign the investigation  
65 to a special investigator in the manner provided by subsection 1 of section  
66 105.961.

67           6.] After completion of an [audit or] investigation, the executive director  
68 shall provide a detailed report of such [audit or] investigation to the  
69 commission. Upon determination that there are reasonable grounds to believe  
70 that a person has violated the requirements of sections 105.470, 105.483 to  
71 105.492, or chapter 130, RSMo, by a vote of four members of the commission, the

72 commission may refer the report with the recommendations of the commission to  
73 the appropriate prosecuting authority together with [a copy of the audit and] the  
74 details of the investigation by the commission as is provided in subsection 2 of  
75 section 105.961.

76 **6. All investigations by the executive director of an alleged**  
77 **violation shall be strictly confidential with the exception of notification**  
78 **of the commission and the complainant or the person under**  
79 **investigation. Revealing any such confidential investigation**  
80 **information shall be cause for removal or dismissal of the executive**  
81 **director or a commission member or employee.**

105.961. 1. Upon receipt of a complaint as described by section 105.957  
2 **or upon notification by the commission of an investigation under**  
3 **subdivision (2) of subsection 1 of section 105.959**, the commission shall  
4 assign the complaint **or investigation** to a special investigator, who may be a  
5 commission employee, who shall investigate and determine the merits of the  
6 complaint **or investigation**. Within ten days of such assignment, the special  
7 investigator shall review such complaint and disclose, in writing, to the  
8 commission any conflict of interest which the special investigator has or might  
9 have with respect to the investigation and subject thereof. Within [one hundred  
10 twenty] **ninety** days of receipt of the complaint from the commission, the special  
11 investigator shall submit the special investigator's report to the commission. The  
12 commission, after review of such report, shall determine:

13 (1) That there is reasonable grounds for belief that a violation has  
14 occurred; or

15 (2) That there are no reasonable grounds for belief that a violation exists  
16 and the complaint **or investigation** should be dismissed; or

17 (3) That additional time is necessary to complete the investigation, and  
18 the status and progress of the investigation to date. The commission, in its  
19 discretion, may allow the investigation to proceed for additional successive  
20 periods of [one hundred twenty] **ninety** days each, pending reports regarding the  
21 status and progress of the investigation at the end of each such period.

22 2. When the commission concludes, based on the report from the special  
23 investigator, or based on an [audit] **investigation** conducted pursuant to section  
24 105.959, that there are reasonable grounds to believe that a violation of any  
25 criminal law has occurred, and if the commission believes that criminal  
26 prosecution would be appropriate upon a vote of four members of the commission,

27 the commission shall refer the report to [the Missouri office of prosecution  
28 services, prosecutors coordinators training council established in section 56.760,  
29 RSMo, which shall submit a panel of five attorneys for recommendation to the  
30 court having criminal jurisdiction, for appointment of an attorney to serve as a  
31 special prosecutor; except that, the attorney general of Missouri or any assistant  
32 attorney general shall not act as such special prosecutor] **the appropriate**  
33 **prosecuting attorney with criminal jurisdiction.** [The court shall then  
34 appoint from such panel a special prosecutor pursuant to section 56.110, RSMo,  
35 who shall have all the powers provided by section 56.130, RSMo. The court shall  
36 allow a reasonable and necessary attorney's fee for the services of the special  
37 prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by the  
38 court if no case is filed, and paid together with all other costs in the proceeding  
39 by the state, in accordance with rules and regulations promulgated by the state  
40 courts administrator, subject to funds appropriated to the office of administration  
41 for such purposes. If the commission does not have sufficient funds to pay a  
42 special prosecutor, the commission shall refer the case to the prosecutor or  
43 prosecutors having criminal jurisdiction.] If the prosecutor having criminal  
44 jurisdiction is not able to prosecute the case due to a conflict of interest, the court  
45 may appoint a special prosecutor, paid from county funds, upon appropriation by  
46 the county or the attorney general to investigate and, if appropriate, prosecute  
47 the case. The special prosecutor or prosecutor shall commence an action based  
48 on the report by the filing of an information or seeking an indictment within sixty  
49 days of the date of such prosecutor's appointment, or shall file a written  
50 statement with the commission explaining why criminal charges should not be  
51 sought. If the special prosecutor or prosecutor fails to take either action required  
52 by this subsection, upon request of the commission, a new special prosecutor, who  
53 may be the attorney general, shall be appointed. The report may also be referred  
54 to the appropriate disciplinary authority over the person who is the subject of the  
55 report.

56 3. When the commission concludes, based on the report from the special  
57 investigator or based on an [audit] **investigation** conducted pursuant to section  
58 105.959, that there are reasonable grounds to believe that a violation of any law  
59 has occurred which is not a violation of criminal law or that criminal prosecution  
60 is not appropriate, the commission shall conduct a hearing which shall be a closed  
61 meeting and not open to the public. The hearing shall be conducted pursuant to  
62 the procedures provided by sections 536.063 to 536.090, RSMo, and shall be

63 considered to be a contested case for purposes of such sections. The commission  
64 shall determine, in its discretion, whether or not that there is probable cause that  
65 a violation has occurred. If the commission determines, by a vote of at least four  
66 members of the commission, that probable cause exists that a violation has  
67 occurred, the commission may refer its findings and conclusions to the  
68 appropriate disciplinary authority over the person who is the subject of the  
69 report, as described in subsection [7] 8 of this section. [After the commission  
70 determines by a vote of at least four members of the commission that probable  
71 cause exists that a violation has occurred, and the commission has referred the  
72 findings and conclusions to the appropriate disciplinary authority over the person  
73 subject of the report, the subject of the report may appeal the determination of  
74 the commission to the administrative hearing commission. Such appeal shall stay  
75 the action of the Missouri ethics commission. Such appeal shall be filed not later  
76 than the fourteenth day after the subject of the commission's action receives  
77 actual notice of the commission's action.]

78 4. If the appropriate disciplinary authority receiving a report from the  
79 commission pursuant to subsection 3 of this section fails to follow, within sixty  
80 days of the receipt of the report, the recommendations contained in the report, or  
81 if the commission determines, by a vote of at least four members of the  
82 commission that some action other than referral for criminal prosecution or for  
83 action by the appropriate disciplinary authority would be appropriate, the  
84 commission shall take any one or more of the following actions:

85 (1) Notify the person to cease and desist violation of any provision of law  
86 which the report concludes was violated and that the commission may seek  
87 judicial enforcement of its decision pursuant to subsection 5 of this section;

88 (2) Notify the person of the requirement to file, amend or correct any  
89 report, statement, or other document or information required by sections 105.473,  
90 105.483 to 105.492, or chapter 130, RSMo, and that the commission may seek  
91 judicial enforcement of its decision pursuant to subsection 5 of this section; and

92 (3) File the report with the executive director to be maintained as a public  
93 document; or

94 (4) Issue a letter of concern or letter of reprimand to the person, which  
95 would be maintained as a public document; or

96 (5) Issue a letter that no further action shall be taken, which would be  
97 maintained as a public document; or

98 (6) Through reconciliation agreements or [civil] action of the

99 **commission**, the power to seek fees for violations in an amount not greater than  
100 one thousand dollars or double the amount involved in the violation.

101 5. Upon vote of at least four members, the commission may initiate formal  
102 judicial proceedings **in the circuit court of Cole County** seeking to obtain any  
103 of the following orders:

104 (1) Cease and desist violation of any provision of sections 105.450 to  
105 105.496, or chapter 130, RSMo, or sections 105.955 to 105.963;

106 (2) Pay any civil penalties required by sections 105.450 to 105.496 or  
107 chapter 130, RSMo;

108 (3) File any reports, statements, or other documents or information  
109 required by sections 105.450 to 105.496, or chapter 130, RSMo; or

110 (4) Pay restitution for any unjust enrichment the violator obtained as a  
111 result of any violation of any criminal statute as described in subsection 6 of this  
112 section. [The Missouri ethics commission shall give actual notice to the subject  
113 of the complaint of the proposed action as set out in this section. The subject of  
114 the complaint may appeal the action of the Missouri ethics commission, other  
115 than a referral for criminal prosecution, to the administrative hearing  
116 commission. Such appeal shall stay the action of the Missouri ethics  
117 commission. Such appeal shall be filed no later than fourteen days after the  
118 subject of the commission's actions receives actual notice of the commission's  
119 actions.]

120 6. **After the commission determines by a vote of at least four**  
121 **members of the commission that a violation has occurred, other than**  
122 **a referral for criminal prosecution, and the commission has referred**  
123 **the findings and conclusions to the appropriate disciplinary authority**  
124 **over the person who is the subject of the report, or has taken an action**  
125 **under subsection 4 of this section, the subject of the report may appeal**  
126 **the determination of the commission to the circuit court of Cole**  
127 **County. Such appeal shall stay the action of the Missouri ethics**  
128 **commission. Such appeal shall be filed not later than the fourteenth**  
129 **day after the subject of the commission's action receives actual notice**  
130 **of the commission's action. If a petition for judicial review of a final**  
131 **order is not filed, the commission may file a certified copy of the final**  
132 **order with the circuit court of Cole County. When any order for fees**  
133 **under subsection 4 of this section becomes final, the commission may**  
134 **file a certified copy of the final order with the circuit court of Cole**

135 **County. The order so filed shall have the same effect as a judgment of**  
136 **the court and may be recorded, enforced, or satisfied in the same**  
137 **manner as a judgment of the court.**

138         **7.** In the proceeding in circuit court **of Cole County**, the commission may  
139 seek restitution against any person who has obtained unjust enrichment as a  
140 result of violation of any provision of sections 105.450 to 105.496, or chapter 130,  
141 RSMo, and may recover on behalf of the state or political subdivision with which  
142 the alleged violator is associated, damages in the amount of any unjust  
143 enrichment obtained and costs and attorney's fees as ordered by the court. **If a**  
144 **petition for judicial review of a final order is not filed in accordance**  
145 **with subsection 5 of this section, the commission may file a certified**  
146 **copy of the final order with the circuit court of Cole County. The order**  
147 **so filed has the same effect as a judgment of the court and may be**  
148 **recorded, enforced, or satisfied in the same manner as a judgment of**  
149 **the court.**

150         **[7.] 8.** The appropriate disciplinary authority to whom a report shall be  
151 sent pursuant to subsection 2 or 3 of this section shall include, but not be limited  
152 to, the following:

153         (1) In the case of a member of the general assembly, the ethics committee  
154 of the house of which the subject of the report is a member;

155         (2) In the case of a person holding an elective office or an appointive office  
156 of the state, if the alleged violation is an impeachable offense, the report shall be  
157 referred to the ethics committee of the house of representatives;

158         (3) In the case of a person holding an elective office of a political  
159 subdivision, the report shall be referred to the governing body of the political  
160 subdivision;

161         (4) In the case of any officer or employee of the state or of a political  
162 subdivision, the report shall be referred to the person who has immediate  
163 supervisory authority over the employment by the state or by the political  
164 subdivision of the subject of the report;

165         (5) In the case of a judge of a court of law, the report shall be referred to  
166 the commission on retirement, removal and discipline, or if the inquiry involves  
167 an employee of the judiciary to the applicable presiding judge;

168         (6) In the case of a person holding an appointive office of the state, if the  
169 alleged violation is not an impeachable offense, the report shall be referred to the  
170 governor;

171 (7) In the case of a statewide elected official, the report shall be referred  
172 to the attorney general;

173 (8) In a case involving the attorney general, the report shall be referred  
174 to the prosecuting attorney of Cole County.

175 [8.] 9. The special investigator having a complaint referred to the special  
176 investigator by the commission shall have the following powers:

177 (1) To request and shall be given access to information in the possession  
178 of any person or agency which the special investigator deems necessary for the  
179 discharge of the special investigator's responsibilities;

180 (2) To examine the records and documents of any person or agency, unless  
181 such examination would violate state or federal law providing for confidentiality;

182 (3) To administer oaths and affirmations;

183 (4) Upon refusal by any person to comply with a request for information  
184 relevant to an investigation, an investigator may issue a subpoena for any person  
185 to appear and give testimony, or for a subpoena duces tecum to produce  
186 documentary or other evidence which the investigator deems relevant to a matter  
187 under the investigator's inquiry. The subpoenas and subpoenas duces tecum may  
188 be enforced by applying to a judge of the circuit court of Cole County or any  
189 county where the person or entity that has been subpoenaed resides or may be  
190 found, for an order to show cause why the subpoena or subpoena duces tecum  
191 should not be enforced. The order and a copy of the application therefor shall be  
192 served in the same manner as a summons in a civil action, and if, after hearing,  
193 the court determines that the subpoena or subpoena duces tecum should be  
194 sustained and enforced, the court shall enforce the subpoena or subpoena duces  
195 tecum in the same manner as if it had been issued by the court in a civil action;  
196 and

197 (5) To request from the commission such investigative, clerical or other  
198 staff assistance or advancement of other expenses which are necessary and  
199 convenient for the proper completion of an investigation. Within the limits of  
200 appropriations to the commission, the commission may provide such assistance,  
201 whether by contract to obtain such assistance or from staff employed by the  
202 commission, or may advance such expenses.

203 [9.] 10. (1) Any retired judge may request in writing to have the judge's  
204 name removed from the list of special investigators subject to appointment by the  
205 commission or may request to disqualify himself or herself from any  
206 investigation. Such request shall include the reasons for seeking removal;

207           (2) By vote of four members of the commission, the commission may  
208 disqualify a judge from a particular investigation or may permanently remove the  
209 name of any retired judge from the list of special investigators subject to  
210 appointment by the commission.

211           [10.] 11. Any person who is the subject of any investigation pursuant to  
212 this section shall be entitled to be represented by counsel at any proceeding  
213 before the special investigator or the commission.

214           [11.] 12. The provisions of sections 105.957, 105.959 and 105.961 are in  
215 addition to other provisions of law under which any remedy or right of appeal or  
216 objection is provided for any person, or any procedure provided for inquiry or  
217 investigation concerning any matter. The provisions of this section shall not be  
218 construed to limit or affect any other remedy or right of appeal or objection.

219           [12.] 13. No person shall be required to make or file a complaint to the  
220 commission as a prerequisite for exhausting the person's administrative remedies  
221 before pursuing any civil cause of action allowed by law.

222           [13.] 14. If, in the opinion of the commission, the complaining party was  
223 motivated by malice or reason contrary to the spirit of any law on which such  
224 complaint was based, in filing the complaint without just cause, this finding shall  
225 be reported to appropriate law enforcement authorities. Any person who  
226 knowingly files a complaint without just cause, or with malice, is guilty of a class  
227 A misdemeanor.

228           [14.] 15. A respondent party who prevails in a formal judicial action  
229 brought by the commission shall be awarded those reasonable fees and expenses  
230 incurred by that party in the formal judicial action, unless the court finds that  
231 the position of the commission was substantially justified or that special  
232 circumstances make such an award unjust.

233           [15.] 16. The special investigator and members and staff of the  
234 commission shall maintain confidentiality with respect to all matters concerning  
235 a complaint [until and if a report is filed with the commission], with the  
236 exception of communications with any person which are necessary to the  
237 investigation. [The report filed with the commission resulting from a complaint  
238 acted upon under the provisions of this section shall not contain the name of the  
239 complainant or other person providing information to the investigator, if so  
240 requested in writing by the complainant or such other person.] Any person who  
241 violates the confidentiality requirements imposed by this section or subsection 17  
242 of section 105.955 required to be confidential is guilty of a class A misdemeanor



243 and shall be subject to removal from or termination of employment by the  
244 commission.

245 [16.] 17. Any judge of the court of appeals or circuit court who ceases to  
246 hold such office by reason of the judge's retirement and who serves as a special  
247 investigator pursuant to this section shall receive annual compensation, salary  
248 or retirement for such services at the rates of compensation provided for senior  
249 judges by subsections 1, 2 and 4 of section 476.682, RSMo. Such retired judges  
250 shall by the tenth day of each month following any month in which the judge  
251 provided services pursuant to this section certify to the commission and to the  
252 state courts administrator the amount of time engaged in such services by hour  
253 or fraction thereof, the dates thereof, and the expenses incurred and allowable  
254 pursuant to this section. The commission shall then issue a warrant to the state  
255 treasurer for the payment of the salary and expenses to the extent, and within  
256 limitations, provided for in this section. The state treasurer upon receipt of such  
257 warrant shall pay the same out of any appropriations made for this purpose on  
258 the last day of the month during which the warrant was received by the state  
259 treasurer.

105.963. 1. The executive director shall assess every committee, as  
2 defined in section 130.011, RSMo, failing to file with a filing officer other than a  
3 local election authority as provided by section 130.026, RSMo, a campaign  
4 disclosure report **or statement of limited activity** as required by chapter 130,  
5 RSMo, other than the report required pursuant to subdivision (1) of subsection  
6 1 of section 130.046, RSMo, a late filing fee of [ten] **fifty** dollars for each day  
7 after such report is due to the commission, **provided that the total amount**  
8 **of such fees assessed under this subsection per report shall not exceed**  
9 **three thousand dollars.** The executive director shall [mail] **send** a notice[, by  
10 registered mail], to any candidate and the treasurer of any committee who fails  
11 to file such report **within seven business days of such failure to file**  
12 **informing such person of such failure and the fees provided by this section.** [If  
13 the candidate or treasurer of any committee persists in such failure for a period  
14 in excess of thirty days beyond receipt of such notice, the amount of the late filing  
15 fee shall increase to one hundred dollars for each day that the report is not filed,  
16 provided that the total amount of such fees assessed pursuant to this subsection  
17 per report shall not exceed three thousand dollars.]

18 2. [(1)] Any [candidate for state or local office who] **committee which**  
19 fails to file a campaign disclosure report required pursuant to subdivision (1) of

20 subsection 1 of section 130.046, RSMo, other than a report required to be filed  
21 with a local election authority as provided by section 130.026, RSMo, shall be  
22 assessed by the executive director a late filing fee of one hundred dollars for each  
23 day that the report is not filed, [until the first day after the date of the  
24 election. After such election date, the amount of such late filing fee shall accrue  
25 at the rate of ten dollars per day that such report remains unfiled, except as  
26 provided in subdivision (2) of this subsection.

27       (2)] **provided that the total amount of such fees assessed under**  
28 **this subsection per report shall not exceed six thousand dollars.** The  
29 executive director shall [mail] **send** a notice[, by certified mail or other means  
30 to give actual notice,] to any candidate **and the treasurer of any committee**  
31 who fails to file the report described in [subdivision (1) of] this subsection **within**  
32 **seven business days of such failure to file** informing such person of such  
33 failure and the fees provided by this section. [If the candidate persists in such  
34 failure for a period in excess of thirty days beyond receipt of such notice, the  
35 amount of the late filing fee shall increase to one hundred dollars for each day  
36 that the report is not filed, provided that the total amount of such fees assessed  
37 pursuant to this subsection per report shall not exceed six thousand dollars.]

38       3. The executive director shall assess every person required to file a  
39 financial interest statement pursuant to sections 105.483 to 105.492 failing to file  
40 such a financial interest statement with the commission a late filing fee of ten  
41 dollars for each day after such statement is due to the commission. The executive  
42 director shall [mail] **send** a notice[, by certified mail,] to any person who fails to  
43 file such statement informing the individual required to file of such failure and  
44 the fees provided by this section. If the person persists in such failure for a  
45 period in excess of thirty days beyond receipt of such notice, the amount of the  
46 late filing fee shall increase to one hundred dollars for each day thereafter that  
47 the statement is late, provided that the total amount of such fees assessed  
48 pursuant to this subsection per statement shall not exceed six thousand dollars.

49       4. Any person assessed a late filing fee may seek review of such  
50 assessment or the amount of late filing fees assessed, at the person's option, by  
51 filing a petition within fourteen days after receiving [actual] notice of assessment  
52 with [the administrative hearing commission, or without exhausting the person's  
53 administrative remedies may seek review of such issues with] the circuit court  
54 of Cole County.

55       5. The executive director of the Missouri ethics commission shall collect

56 such late filing fees as are provided for in this section. Unpaid late filing fees  
57 shall be collected by action filed by the commission, **including, but not limited**  
58 **to, garnishment and execution against a committee's official depository**  
59 **account as set forth in subsection 4 of section 130.021 after a thirty-day**  
60 **delinquency.** The commission shall contract with the appropriate entity to  
61 collect such late filing fees after a thirty-day delinquency. If not collected within  
62 one hundred twenty days, the Missouri ethics commission shall file a petition in  
63 Cole County circuit court to seek a judgment on said fees. All late filing fees  
64 collected pursuant to this section shall be transmitted to the state treasurer and  
65 deposited to the general revenue fund.

66 6. The late filing fees provided by this section shall be in addition to any  
67 penalty provided by law for violations of sections 105.483 to 105.492 or chapter  
68 130, RSMo.

69 7. If any **lobbyist fails to file a lobbyist report in a timely manner**  
70 **and that lobbyist is assessed a late fee, or if any individual who is**  
71 **required to file a personal financial disclosure statement fails to file**  
72 **such disclosure statement in a timely manner and is assessed a late fee,**  
73 **or if any candidate or the treasurer of any committee who fails to file a**  
74 **campaign disclosure report or a statement of limited activity in a timely**  
75 **manner and that candidate or treasurer is assessed a late filing fee, the**  
76 **lobbyist, individual, candidate, [candidate committee treasurer or assistant**  
77 **treasurer] or the treasurer of any committee** may file an appeal of the  
78 assessment of the late filing fee with the commission. The commission may  
79 forgive the assessment of the late filing fee upon a showing of good cause. Such  
80 appeal shall be filed within ten days of the receipt of notice of the assessment of  
81 the late filing fee.

105.966. 1. [Except as provided in subsection 2 of this section,] The ethics  
2 commission shall complete and make determinations pursuant to subsection 1 of  
3 section 105.961 on all complaint investigations[, except those complaint  
4 investigations assigned to a retired judge,] within ninety days of initiation.

5 2. [The commission may file a petition in the Cole County circuit court to  
6 request an additional ninety days for investigation upon proving by a  
7 preponderance of the evidence that additional time is needed. Upon filing the  
8 petition, the ninety-day period shall be tolled until the court determines whether  
9 additional time is needed.

10 3. The hearing shall be held in camera before the Cole County circuit

11 court and all records of the proceedings shall be closed.

12 4.] The provisions of this section shall apply to all ongoing complaint  
13 investigations on July 13, 1999.

14 [5.] 3. Any complaint investigation not completed and decided upon by  
15 the ethics commission within the time allowed by this section shall be deemed to  
16 not have been a violation.

130.011. As used in this chapter, unless the context clearly indicates  
2 otherwise, the following terms mean:

3 (1) "Appropriate officer" or "appropriate officers", the person or persons  
4 designated in section 130.026 to receive certain required statements and reports;

5 (2) "Ballot measure" or "measure", any proposal submitted or intended to  
6 be submitted to qualified voters for their approval or rejection, including any  
7 proposal submitted by initiative petition, referendum petition, or by the general  
8 assembly or any local governmental body having authority to refer proposals to  
9 the voter;

10 (3) "Candidate", an individual who seeks nomination or election to public  
11 office. The term "candidate" includes an elected officeholder who is the subject  
12 of a recall election, an individual who seeks nomination by the individual's  
13 political party for election to public office, an individual standing for retention in  
14 an election to an office to which the individual was previously appointed, an  
15 individual who seeks nomination or election whether or not the specific elective  
16 public office to be sought has been finally determined by such individual at the  
17 time the individual meets the conditions described in paragraph (a) or (b) of this  
18 subdivision, and an individual who is a write-in candidate as defined in  
19 subdivision (28) of this section. A candidate shall be deemed to seek nomination  
20 or election when the person first:

21 (a) Receives contributions or makes expenditures or reserves space or  
22 facilities with intent to promote the person's candidacy for office; or

23 (b) Knows or has reason to know that contributions are being received or  
24 expenditures are being made or space or facilities are being reserved with the  
25 intent to promote the person's candidacy for office; except that, such individual  
26 shall not be deemed a candidate if the person files a statement with the  
27 appropriate officer within five days after learning of the receipt of contributions,  
28 the making of expenditures, or the reservation of space or facilities disavowing  
29 the candidacy and stating that the person will not accept nomination or take  
30 office if elected; provided that, if the election at which such individual is

31 supported as a candidate is to take place within five days after the person's  
32 learning of the above-specified activities, the individual shall file the statement  
33 disavowing the candidacy within one day; or

34 (c) Announces or files a declaration of candidacy for office;

35 (4) "Cash", currency, coin, United States postage stamps, or any  
36 negotiable instrument which can be transferred from one person to another  
37 person without the signature or endorsement of the transferor;

38 (5) "Check", a check drawn on a state or federal bank, or a draft on a  
39 negotiable order of withdrawal account in a savings and loan association or a  
40 share draft account in a credit union;

41 (6) "Closing date", the date through which a statement or report is  
42 required to be complete;

43 (7) "Committee", a person or any combination of persons, who accepts  
44 contributions or makes expenditures for the primary or incidental purpose of  
45 influencing or attempting to influence the action of voters for or against the  
46 nomination or election to public office of one or more candidates or the  
47 qualification, passage or defeat of any ballot measure or for the purpose of paying  
48 a previously incurred campaign debt or obligation of a candidate or the debts or  
49 obligations of a committee or for the purpose of contributing funds to another  
50 committee:

51 (a) "Committee", does not include:

52 a. A person or combination of persons, if neither the aggregate of  
53 expenditures made nor the aggregate of contributions received during a calendar  
54 year exceeds five hundred dollars and if no single contributor has contributed  
55 more than two hundred fifty dollars of such aggregate contributions;

56 b. An individual, other than a candidate, who accepts no contributions  
57 and who deals only with the individual's own funds or property;

58 c. A corporation, cooperative association, partnership, proprietorship, or  
59 joint venture organized or operated for a primary or principal purpose other than  
60 that of influencing or attempting to influence the action of voters for or against  
61 the nomination or election to public office of one or more candidates or the  
62 qualification, passage or defeat of any ballot measure, and it accepts no  
63 contributions, and all expenditures it makes are from its own funds or property  
64 obtained in the usual course of business or in any commercial or other transaction  
65 and which are not contributions as defined by subdivision (12) of this section;

66 d. A labor organization organized or operated for a primary or principal

67 purpose other than that of influencing or attempting to influence the action of  
68 voters for or against the nomination or election to public office of one or more  
69 candidates, or the qualification, passage, or defeat of any ballot measure, and it  
70 accepts no contributions, and expenditures made by the organization are from its  
71 own funds or property received from membership dues or membership fees which  
72 were given or solicited for the purpose of supporting the normal and usual  
73 activities and functions of the organization and which are not contributions as  
74 defined by subdivision (12) of this section;

75 e. A person who acts as an authorized agent for a committee in soliciting  
76 or receiving contributions or in making expenditures or incurring indebtedness  
77 on behalf of the committee if such person renders to the committee treasurer or  
78 deputy treasurer or candidate, if applicable, an accurate account of each receipt  
79 or other transaction in the detail required by the treasurer to comply with all  
80 record-keeping and reporting requirements of this chapter;

81 f. Any department, agency, board, institution or other entity of the state  
82 or any of its subdivisions or any officer or employee thereof, acting in the person's  
83 official capacity;

84 (b) The term "committee" includes, but is not limited to, each of the  
85 following committees: campaign committee, candidate committee, continuing  
86 committee and political party committee;

87 (8) "Campaign committee", a committee, other than a candidate  
88 committee, which shall be formed by an individual or group of individuals to  
89 receive contributions or make expenditures and whose sole purpose is to support  
90 or oppose the qualification and passage of one or more particular ballot measures  
91 in an election or the retention of judges under the nonpartisan court plan[, such  
92 committee shall be formed no later than thirty days prior to the election for which  
93 the committee receives contributions or makes expenditures, and which shall  
94 terminate the later of either thirty days after the general election or upon the  
95 satisfaction of all committee debt after the general election, except that no  
96 committee retiring debt shall engage in any other activities in support of a  
97 measure for which the committee was formed];

98 (9) "Candidate committee", a committee which shall be formed by a  
99 candidate to receive contributions or make expenditures [in] **on** behalf of the  
100 person's candidacy [and which shall continue in existence for use by an elected  
101 candidate or which shall terminate the later of either thirty days after the  
102 general election for a candidate who was not elected or upon the satisfaction of

103 all committee debt after the election, except that no committee retiring debt shall  
104 engage in any other activities in support of the candidate for which the committee  
105 was formed]. Any candidate for elective office shall have only one candidate  
106 committee for the elective office sought, which is controlled directly by the  
107 candidate for the purpose of making expenditures. A candidate committee is  
108 presumed to be under the control and direction of the candidate unless the  
109 candidate files an affidavit with the appropriate officer stating that the committee  
110 is acting without control or direction on the candidate's part;

111 (10) "Continuing committee", a committee of continuing existence [which  
112 is not formed, controlled or directed by a candidate], and is a committee other  
113 than a candidate committee or campaign committee, whose primary or incidental  
114 purpose is to receive contributions or make expenditures to influence or attempt  
115 to influence the action of voters whether or not a particular candidate or  
116 candidates or a particular ballot measure or measures to be supported or opposed  
117 has been determined at the time the committee is required to file any statement  
118 or report pursuant to the provisions of this chapter. "Continuing committee"  
119 includes, but is not limited to, any committee organized or sponsored by a  
120 business entity, a labor organization, a professional association, a trade or  
121 business association, a club or other organization and whose primary purpose is  
122 to solicit, accept and use contributions from the members, employees or  
123 stockholders of such entity and any individual or group of individuals who accept  
124 and use contributions to influence or attempt to influence the action of  
125 voters[. Such committee shall be formed no later than sixty days prior to the  
126 election for which the committee receives contributions or makes expenditures];

127 (11) "Connected organization", any organization such as a corporation, a  
128 labor organization, a membership organization, a cooperative, or trade or  
129 professional association which expends funds or provides services or facilities to  
130 establish, administer or maintain a committee or to solicit contributions to a  
131 committee from its members, officers, directors, employees or security holders. An  
132 organization shall be deemed to be the connected organization if more than fifty  
133 percent of the persons making contributions to the committee during the current  
134 calendar year are members, officers, directors, employees or security holders of  
135 such organization or their spouses;

136 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation  
137 of money or anything of value for the purpose of supporting or opposing the  
138 nomination or election of any candidate for public office or the qualification,

139 passage or defeat of any ballot measure, or for the support of any committee  
140 supporting or opposing candidates or ballot measures or for paying debts or  
141 obligations of any candidate or committee previously incurred for the above  
142 purposes. A contribution of anything of value shall be deemed to have a money  
143 value equivalent to the fair market value. "Contribution" includes, but is not  
144 limited to:

145 (a) A candidate's own money or property used in support of the person's  
146 candidacy other than expense of the candidate's food, lodging, travel, and  
147 payment of any fee necessary to the filing for public office;

148 (b) Payment by any person, other than a candidate or committee, to  
149 compensate another person for services rendered to that candidate or committee;

150 (c) Receipts from the sale of goods and services, including the sale of  
151 advertising space in a brochure, booklet, program or pamphlet of a candidate or  
152 committee and the sale of tickets or political merchandise;

153 (d) Receipts from fund-raising events including testimonial affairs;

154 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or  
155 debt or other obligation by a third party, or payment of a loan or debt or other  
156 obligation by a third party if the loan or debt or other obligation was contracted,  
157 used, or intended, in whole or in part, for use in an election campaign or used or  
158 intended for the payment of such debts or obligations of a candidate or committee  
159 previously incurred, or which was made or received by a committee;

160 (f) Funds received by a committee which are transferred to such  
161 committee from another committee or other source, except funds received by a  
162 candidate committee as a transfer of funds from another candidate committee  
163 controlled by the same candidate but such transfer shall be included in the  
164 disclosure reports;

165 (g) Facilities, office space or equipment supplied by any person to a  
166 candidate or committee without charge or at reduced charges, except gratuitous  
167 space for meeting purposes which is made available regularly to the public,  
168 including other candidates or committees, on an equal basis for similar purposes  
169 on the same conditions;

170 (h) The direct or indirect payment by any person, other than a connected  
171 organization, of the costs of establishing, administering, or maintaining a  
172 committee, including legal, accounting and computer services, fund raising and  
173 solicitation of contributions for a committee;

174 (i) "Contribution" does not include:



175           a. Ordinary home hospitality or services provided without compensation  
176 by individuals volunteering their time in support of or in opposition to a  
177 candidate, committee or ballot measure, nor the necessary and ordinary personal  
178 expenses of such volunteers incidental to the performance of voluntary activities,  
179 so long as no compensation is directly or indirectly asked or given;

180           b. An offer or tender of a contribution which is expressly and  
181 unconditionally rejected and returned to the donor within ten business days after  
182 receipt or transmitted to the state treasurer;

183           c. Interest earned on deposit of committee funds;

184           d. The costs incurred by any connected organization listed pursuant to  
185 subdivision (4) of subsection 5 of section 130.021 for establishing, administering  
186 or maintaining a committee, or for the solicitation of contributions to a committee  
187 which solicitation is solely directed or related to the members, officers, directors,  
188 employees or security holders of the connected organization;

189           (13) "County", any one of the several counties of this state or the city of  
190 St. Louis;

191           (14) "Disclosure report", an itemized report of receipts, expenditures and  
192 incurred indebtedness which is prepared on forms approved by the Missouri  
193 ethics commission and filed at the times and places prescribed;

194           (15) "Election", any primary, general or special election held to nominate  
195 or elect an individual to public office, to retain or recall an elected officeholder or  
196 to submit a ballot measure to the voters, and any caucus or other meeting of a  
197 political party or a political party committee at which that party's candidate or  
198 candidates for public office are officially selected. A primary election and the  
199 succeeding general election shall be considered separate elections;

200           (16) "Expenditure", a payment, advance, conveyance, deposit, donation or  
201 contribution of money or anything of value for the purpose of supporting or  
202 opposing the nomination or election of any candidate for public office or the  
203 qualification or passage of any ballot measure or for the support of any committee  
204 which in turn supports or opposes any candidate or ballot measure or for the  
205 purpose of paying a previously incurred campaign debt or obligation of a  
206 candidate or the debts or obligations of a committee; a payment, or an agreement  
207 or promise to pay, money or anything of value, including a candidate's own money  
208 or property, for the purchase of goods, services, property, facilities or anything of  
209 value for the purpose of supporting or opposing the nomination or election of any  
210 candidate for public office or the qualification or passage of any ballot measure

211 or for the support of any committee which in turn supports or opposes any  
212 candidate or ballot measure or for the purpose of paying a previously incurred  
213 campaign debt or obligation of a candidate or the debts or obligations of a  
214 committee. An expenditure of anything of value shall be deemed to have a money  
215 value equivalent to the fair market value. "Expenditure" includes, but is not  
216 limited to:

217 (a) Payment by anyone other than a committee for services of another  
218 person rendered to such committee;

219 (b) The purchase of tickets, goods, services or political merchandise in  
220 connection with any testimonial affair or fund-raising event of or for candidates  
221 or committees, or the purchase of advertising in a brochure, booklet, program or  
222 pamphlet of a candidate or committee;

223 (c) The transfer of funds by one committee to another committee;

224 (d) The direct or indirect payment by any person, other than a connected  
225 organization for a committee, of the costs of establishing, administering or  
226 maintaining a committee, including legal, accounting and computer services, fund  
227 raising and solicitation of contributions for a committee; but

228 (e) "Expenditure" does not include:

229 a. Any news story, commentary or editorial which is broadcast or  
230 published by any broadcasting station, newspaper, magazine or other periodical  
231 without charge to the candidate or to any person supporting or opposing a  
232 candidate or ballot measure;

233 b. The internal dissemination by any membership organization,  
234 proprietorship, labor organization, corporation, association or other entity of  
235 information advocating the election or defeat of a candidate or candidates or the  
236 passage or defeat of a ballot measure or measures to its directors, officers,  
237 members, employees or security holders, provided that the cost incurred is  
238 reported pursuant to subsection 2 of section 130.051;

239 c. Repayment of a loan, but such repayment shall be indicated in required  
240 reports;

241 d. The rendering of voluntary personal services by an individual of the  
242 sort commonly performed by volunteer campaign workers and the payment by  
243 such individual of the individual's necessary and ordinary personal expenses  
244 incidental to such volunteer activity, provided no compensation is, directly or  
245 indirectly, asked or given;

246 e. The costs incurred by any connected organization listed pursuant to

247 subdivision (4) of subsection 5 of section 130.021 for establishing, administering  
248 or maintaining a committee, or for the solicitation of contributions to a committee  
249 which solicitation is solely directed or related to the members, officers, directors,  
250 employees or security holders of the connected organization;

251 f. The use of a candidate's own money or property for expense of the  
252 candidate's personal food, lodging, travel, and payment of any fee necessary to the  
253 filing for public office, if such expense is not reimbursed to the candidate from  
254 any source;

255 (17) "Exploratory committees", a committee which shall be formed by an  
256 individual to receive contributions and make expenditures on behalf of this  
257 individual in determining whether or not the individual seeks elective  
258 office. Such committee shall terminate no later than December thirty-first of the  
259 year prior to the general election for the possible office;

260 (18) "Fund-raising event", an event such as a dinner, luncheon, reception,  
261 coffee, testimonial, rally, auction or similar affair through which contributions are  
262 solicited or received by such means as the purchase of tickets, payment of  
263 attendance fees, donations for prizes or through the purchase of goods, services  
264 or political merchandise;

265 (19) "In-kind contribution" or "in-kind expenditure", a contribution or  
266 expenditure in a form other than money;

267 (20) "Labor organization", any organization of any kind, or any agency or  
268 employee representation committee or plan, in which employees participate and  
269 which exists for the purpose, in whole or in part, of dealing with employers  
270 concerning grievances, labor disputes, wages, rates of pay, hours of employment,  
271 or conditions of work;

272 (21) "Loan", a transfer of money, property or anything of ascertainable  
273 monetary value in exchange for an obligation, conditional or not, to repay in  
274 whole or in part and which was contracted, used, or intended for use in an  
275 election campaign, or which was made or received by a committee or which was  
276 contracted, used, or intended to pay previously incurred campaign debts or  
277 obligations of a candidate or the debts or obligations of a committee;

278 (22) "Person", an individual, group of individuals, corporation,  
279 partnership, committee, proprietorship, joint venture, any department, agency,  
280 board, institution or other entity of the state or any of its political subdivisions,  
281 union, labor organization, trade or professional or business association,  
282 association, political party or any executive committee thereof, or any other club

283 or organization however constituted or any officer or employee of such entity  
284 acting in the person's official capacity;

285 (23) "Political merchandise", goods such as bumper stickers, pins, hats,  
286 ties, jewelry, literature, or other items sold or distributed at a fund-raising event  
287 or to the general public for publicity or for the purpose of raising funds to be used  
288 in supporting or opposing a candidate for nomination or election or in supporting  
289 or opposing the qualification, passage or defeat of a ballot measure;

290 (24) "Political party", a political party which has the right under law to  
291 have the names of its candidates listed on the ballot in a general election;

292 (25) "Political party committee", a state, district, county, city, or area  
293 committee of a political party, as [defined] **established** in section 115.603,  
294 RSMo, which may be organized as a not-for-profit corporation under Missouri law,  
295 and which committee is of continuing existence, and has the primary or incidental  
296 purpose of receiving contributions and making expenditures to influence or  
297 attempt to influence the action of voters on behalf of the political party;

298 (26) "Public office" or "office", any state, judicial, county, municipal, school  
299 or other district, ward, township, or other political subdivision office or any  
300 political party office which is filled by a vote of registered voters;

301 (27) "Regular session", includes that period beginning on the first  
302 Wednesday after the first Monday in January and ending following the first  
303 Friday after the second Monday in May;

304 (28) "Write-in candidate", an individual whose name is not printed on the  
305 ballot but who otherwise meets the definition of candidate in subdivision (3) of  
306 this section.

130.021. 1. Every committee shall have a treasurer who, except as  
2 provided in subsection 10 of this section, shall be a resident of this state [and  
3 reside in the district or county in which the committee sits]. A committee may  
4 also have a deputy treasurer who, except as provided in subsection 10 of this  
5 section, shall be a resident of this state [and reside in the district or county in  
6 which the committee sits], to serve in the capacity of committee treasurer in the  
7 event the committee treasurer is unable for any reason to perform the treasurer's  
8 duties.

9 2. Every candidate for offices listed in subsection 1 of section 130.016 who  
10 has not filed a statement of exemption pursuant to that subsection and every  
11 candidate for offices listed in subsection 6 of section 130.016 who is not excluded  
12 from filing a statement of organization and disclosure reports pursuant to

13 subsection 6 of section 130.016 shall form a candidate committee and appoint a  
14 treasurer. Thereafter, all contributions on hand and all further contributions  
15 received by such candidate and any of the candidate's own funds to be used in  
16 support of the person's candidacy shall be deposited in a candidate committee  
17 depository account established pursuant to the provisions of subsection 4 of this  
18 section, and all expenditures shall be made through the candidate, treasurer or  
19 deputy treasurer of the person's candidate committee. Nothing in this chapter  
20 shall prevent a candidate from appointing himself or herself as a committee of  
21 one and serving as the person's own treasurer, maintaining the candidate's own  
22 records and filing all the reports and statements required to be filed by the  
23 treasurer of a candidate committee.

24         3. [A candidate who has more than one candidate committee supporting  
25 the person's candidacy shall designate one of those candidate committees as the  
26 committee responsible for consolidating the aggregate contributions to all such  
27 committees under the candidate's control and direction as required by section  
28 130.041] **No person may form a new committee or serve as a treasurer**  
29 **or deputy treasurer of any committee as defined in section 130.011 until**  
30 **the person or the treasurer of any committee previously formed by the**  
31 **person or where the person served as treasurer or deputy treasurer has**  
32 **filed all required campaign disclosure reports or statements of limited**  
33 **activity for all prior elections and paid outstanding previously imposed**  
34 **fees assessed against that person by the ethics commission. No**  
35 **candidate shall form, control, or direct a continuing committee as**  
36 **defined in subdivision (10) of section 130.011.**

37         4. (1) Every committee shall have a single official fund depository within  
38 this state which shall be a federally or state-chartered bank, a federally or  
39 state-chartered savings and loan association, or a federally or state-chartered  
40 credit union in which the committee shall open and thereafter maintain at least  
41 one official depository account in its own name. An "official depository account"  
42 shall be a checking account or some type of negotiable draft or negotiable order  
43 of withdrawal account, and the official fund depository shall, regarding an official  
44 depository account, be a type of financial institution which provides a record of  
45 deposits, canceled checks or other canceled instruments of withdrawal evidencing  
46 each transaction by maintaining copies within this state of such instruments and  
47 other transactions. All contributions which the committee receives in money,  
48 checks and other negotiable instruments shall be deposited in a committee's

49 official depository account. Contributions shall not be accepted and expenditures  
50 shall not be made by a committee except by or through an official depository  
51 account and the committee treasurer, deputy treasurer or  
52 candidate. Contributions received by a committee shall not be commingled with  
53 any funds of an agent of the committee, a candidate or any other person, except  
54 that contributions from a candidate of the candidate's own funds to the person's  
55 candidate committee shall be deposited to an official depository account of the  
56 person's candidate committee. No expenditure shall be made by a committee  
57 when the office of committee treasurer is vacant except that when the office of a  
58 candidate committee treasurer is vacant, the candidate shall be the treasurer  
59 until the candidate appoints a new treasurer.

60 (2) A committee treasurer, deputy treasurer or candidate may withdraw  
61 funds from a committee's official depository account and deposit such funds in one  
62 or more savings accounts in the committee's name in any bank, savings and loan  
63 association or credit union within this state, and may also withdraw funds from  
64 an official depository account for investment in the committee's name in any  
65 certificate of deposit, bond or security. Proceeds from interest or dividends from  
66 a savings account or other investment or proceeds from withdrawals from a  
67 savings account or from the sale of an investment shall not be expended or  
68 reinvested, except in the case of renewals of certificates of deposit, without first  
69 redepositing such proceeds in an official depository account. Investments, other  
70 than savings accounts, held outside the committee's official depository account at  
71 any time during a reporting period shall be disclosed by description, amount, any  
72 identifying numbers and the name and address of any institution or person in  
73 which or through which it is held in an attachment to disclosure reports the  
74 committee is required to file. Proceeds from an investment such as interest or  
75 dividends or proceeds from its sale, shall be reported by date and amount. In the  
76 case of the sale of an investment, the names and addresses of the persons  
77 involved in the transaction shall also be stated. Funds held in savings accounts  
78 and investments, including interest earned, shall be included in the report of  
79 money on hand as required by section 130.041.

80 5. The treasurer or deputy treasurer acting on behalf of any person or  
81 organization or group of persons which is a committee by virtue of the definitions  
82 of committee in section 130.011 and any candidate who is not excluded from  
83 forming a committee in accordance with the provisions of section 130.016 shall  
84 file a statement of organization with the appropriate officer within twenty days

85 after the person or organization becomes a committee but no later than [the date  
86 for filing the first report required pursuant to the provisions of section 130.046]  
87 **thirty days prior to the election for which the committee receives**  
88 **contributions or makes expenditures, except that a continuing**  
89 **committee shall file a statement of organization with the appropriate**  
90 **officer no later than sixty days prior to the election for which the**  
91 **committee receives contributions or makes expenditures.** The statement  
92 of organization shall contain the following information:

93 (1) The name, mailing address and telephone number, if any, of the  
94 committee filing the statement of organization. If the committee is deemed to be  
95 affiliated with a connected organization as provided in subdivision (11) of section  
96 130.011, the name of the connected organization, or a legally registered fictitious  
97 name which reasonably identifies the connected organization, shall appear in the  
98 name of the committee. If the committee is a candidate committee, the name of  
99 the candidate shall be a part of the committee's name;

100 (2) The name, mailing address and telephone number of the candidate;

101 (3) The name, mailing address and telephone number of the committee  
102 treasurer, and the name, mailing address and telephone number of its deputy  
103 treasurer if the committee has named a deputy treasurer;

104 (4) The names, mailing addresses and titles of its officers, if any;

105 (5) The name and mailing address of any connected organizations with  
106 which the committee is affiliated;

107 (6) The name and mailing address of its depository, and the name and  
108 account number of each account the committee has in the depository. The  
109 account number of each account shall be redacted prior to disclosing the  
110 statement to the public;

111 (7) Identification of the major nature of the committee such as a candidate  
112 committee, campaign committee, continuing committee, political party committee,  
113 incumbent committee, or any other committee according to the definition of  
114 committee in section 130.011;

115 (8) [In the case of the candidate committee designated in subsection 3 of  
116 this section, the full name and address of each other candidate committee which  
117 is under the control and direction of the same candidate, together with the name,  
118 address and telephone number of the treasurer of each such other committee;

119 (9)] The name and office sought of each candidate supported or opposed  
120 by the committee;

121           [(10)] (9) The ballot measure concerned, if any, and whether the  
122 committee is in favor of or opposed to such measure.

123           6. A committee may omit the information required in subdivisions [(9)]  
124 (8) and [(10)] (9) of subsection 5 of this section if, on the date on which it is  
125 required to file a statement of organization, the committee has not yet determined  
126 the particular candidates or particular ballot measures it will support or oppose.

127           7. A committee which has filed a statement of organization and has not  
128 terminated shall not be required to file another statement of organization, except  
129 that when there is a change in any of the information previously reported as  
130 required by subdivisions (1) to [(8)] (7) of subsection 5 of this section an amended  
131 statement of organization shall be filed within twenty days after the change  
132 occurs, but no later than the date of the filing of the next report required to be  
133 filed by that committee by section 130.046.

134           8. **A campaign committee shall terminate either thirty days after**  
135 **the general election or upon the satisfaction of all committee debt after**  
136 **the general election, whichever is later, except that no committee**  
137 **retiring debt shall engage in any other activities in support of a**  
138 **measure for which the committee was formed. A candidate committee**  
139 **shall continue in existence for use by an elected candidate or shall**  
140 **terminate the later of either thirty days after the general election for**  
141 **a candidate who was not elected or upon the satisfaction of all**  
142 **committee debt after the election, except that no committee retiring**  
143 **debt shall engage in any other activities in support of the candidate for**  
144 **which the committee was formed.** Upon termination of a committee, a  
145 termination statement indicating dissolution shall be filed not later than ten days  
146 after the date of dissolution with the appropriate officer or officers with whom the  
147 committee's statement of organization was filed. The termination statement shall  
148 include: the distribution made of any remaining surplus funds and the  
149 disposition of any deficits; and the name, mailing address and telephone number  
150 of the individual responsible for preserving the committee's records and accounts  
151 as required in section 130.036.

152           9. Any statement required by this section shall be signed and attested by  
153 the committee treasurer or deputy treasurer, and by the candidate in the case of  
154 a candidate committee.

155           10. A committee domiciled outside this state shall be required to file a  
156 statement of organization and appoint a treasurer residing in this state and open



157 an account in a depository within this state; provided that either of the following  
158 conditions prevails:

159 (1) The aggregate of all contributions received from persons domiciled in  
160 this state exceeds twenty percent in total dollar amount of all funds received by  
161 the committee in the preceding twelve months; or

162 (2) The aggregate of all contributions and expenditures made to support  
163 or oppose candidates and ballot measures in this state exceeds one thousand five  
164 hundred dollars in the current calendar year.

165 11. If a committee domiciled in this state receives a contribution of one  
166 thousand five hundred dollars or more from any committee domiciled outside of  
167 this state, the committee domiciled in this state shall file a disclosure report with  
168 the commission. The report shall disclose the full name, mailing address,  
169 telephone numbers and domicile of the contributing committee and the date and  
170 amount of the contribution. The report shall be filed within forty-eight hours of  
171 the receipt of such contribution if the contribution is received after the last  
172 reporting date before the election.

173 12. Each legislative and senatorial district committee shall retain only one  
174 address in the district it sits for the purpose of receiving contributions.

130.036. 1. The candidate, treasurer or deputy treasurer of a committee  
2 shall maintain accurate records and accounts on a current basis. The records and  
3 accounts shall be maintained in accordance with accepted normal bookkeeping  
4 procedures and shall contain the bills, receipts, deposit records, canceled checks  
5 and other detailed information necessary to prepare and substantiate any  
6 statement or report required to be filed pursuant to this chapter. Every person  
7 who acts as an agent for a committee in receiving contributions, making  
8 expenditures or incurring indebtedness for the committee shall, on request of that  
9 committee's treasurer, deputy treasurer or candidate, but in any event within five  
10 days after any such action, render to the candidate, committee treasurer or  
11 deputy treasurer a detailed account thereof, including names, addresses, dates,  
12 exact amounts and any other details required by the candidate, treasurer or  
13 deputy treasurer to comply with this chapter. Notwithstanding the provisions of  
14 subsection 4 of section 130.021 prohibiting commingling of funds, an individual,  
15 trade or professional association, business entity, or labor organization which acts  
16 as an agent for a committee in receiving contributions may deposit contributions  
17 received on behalf of the committee to the agent's account within a financial  
18 institution within this state, for purposes of facilitating transmittal of the

19 contributions to the candidate, committee treasurer or deputy treasurer. Such  
20 contributions shall not be held in the agent's account for more than five days  
21 after the date the contribution was received by the agent, and shall not be  
22 transferred to the account of any other agent or person, other than the committee  
23 treasurer.

24           2. Unless a contribution is rejected by the candidate or committee and  
25 returned to the donor or transmitted to the state treasurer within ten business  
26 days after its receipt, it shall be considered received and accepted on the date  
27 received, notwithstanding the fact that it was not deposited by the closing date  
28 of a reporting period.

29           3. Notwithstanding the provisions of section 130.041 that only  
30 contributors of more than one hundred dollars shall be reported by name and  
31 address for all committees, the committee's records shall contain a listing of each  
32 contribution received by the committee, including those accepted and those which  
33 are rejected and either returned to the donor or transmitted to the state  
34 treasurer. Each contribution, regardless of the amount, shall be recorded by date  
35 received, name and address of the contributor and the amount of the contribution,  
36 except that any contributions from unidentifiable persons which are received  
37 through fund-raising activities and events as permitted in subsection 6 of section  
38 130.031 shall be recorded to show the dates and amounts of all such contributions  
39 received together with information contained in statements required by  
40 subsection 6 of section 130.031. The procedure for recording contributions shall  
41 be of a type which enables the candidate, committee treasurer or deputy treasurer  
42 to maintain a continuing total of all contributions received from any one  
43 contributor.

44           4. Notwithstanding the provisions of section 130.041 that certain  
45 expenditures need not be identified in reports by name and address of the payee,  
46 the committee's records shall include a listing of each expenditure made and each  
47 contract, promise or agreement to make an expenditure, showing the date and  
48 amount of each transaction, the name and address of the person to whom the  
49 expenditure was made or promised, and the purpose of each expenditure made or  
50 promised.

51           5. In the case of a committee which makes expenditures for both the  
52 support or opposition of any candidate and the passage or defeat of a ballot  
53 measure, the committee treasurer shall maintain records segregated according to  
54 each candidate or measure for which the expenditures were made.

55           6. Records shall indicate which transactions, either contributions received  
56 or expenditures made, were cash transactions or in-kind transactions.

57           7. Any candidate who, pursuant to section 130.016, is exempt from the  
58 requirements to form a committee shall maintain records of each contribution  
59 received or expenditure made in support of his candidacy. Any other person or  
60 combination of persons who, although not deemed to be a committee according to  
61 the definition of the term "committee" in section 130.011, accepts contributions  
62 or makes expenditures, other than direct contributions from the person's own  
63 funds, for the purpose of supporting or opposing the election or defeat of any  
64 candidate or for the purpose of supporting or opposing the qualifications, passage  
65 or defeat of any ballot measure shall maintain records of each contribution  
66 received or expenditure made. The records shall include name, address and  
67 amount pertaining to each contribution received or expenditure made and any  
68 bills, receipts, canceled checks or other documents relating to each transaction.

69           8. All records and accounts of receipts and expenditures shall be  
70 preserved for at least three years after the date of the election to which the  
71 records pertain. Records and accounts regarding supplemental disclosure reports  
72 or reports not required pursuant to an election shall be preserved for at least  
73 three years after the date of the report to which the records pertain. Such  
74 records shall be available for inspection by the [campaign finance review board]  
75 **Missouri ethics commission** and its duly authorized representatives.

130.046. 1. The disclosure reports required by section 130.041 for all  
2 committees shall be filed at the following times and for the following periods:

3           (1) Not later than the eighth day before an election for the period closing  
4 on the twelfth day before the election if the committee has made any contribution  
5 or expenditure either in support or opposition to any candidate or ballot measure;

6           (2) Not later than the thirtieth day after an election for a period closing  
7 on the twenty-fifth day after the election, if the committee has made any  
8 contribution or expenditure either in support of or opposition to any candidate or  
9 ballot measure; except that, a successful candidate who takes office prior to the  
10 twenty-fifth day after the election shall have complied with the report  
11 requirement of this subdivision if a disclosure report is filed by such candidate  
12 and any candidate committee under the candidate's control before such candidate  
13 takes office, and such report shall be for the period closing on the day before  
14 taking office; and

15           (3) Not later than the fifteenth day following the close of each calendar

16 quarter. Notwithstanding the provisions of this subsection, if any committee  
17 accepts contributions or makes expenditures in support of or in opposition to a  
18 ballot measure or a candidate, and the report required by this subsection for the  
19 most recent calendar quarter is filed prior to the fortieth day before the election  
20 on the measure or candidate, the committee shall file an additional disclosure  
21 report not later than the fortieth day before the election for the period closing on  
22 the forty-fifth day before the election.

23         2. In the case of a ballot measure to be qualified to be on the ballot by  
24 initiative petition or referendum petition, or a recall petition seeking to remove  
25 an incumbent from office, disclosure reports relating to the time for filing such  
26 petitions shall be made as follows:

27         (1) In addition to the disclosure reports required to be filed pursuant to  
28 subsection 1 of this section the treasurer of a committee, other than a continuing  
29 committee, supporting or opposing a petition effort to qualify a measure to appear  
30 on the ballot or to remove an incumbent from office shall file an initial disclosure  
31 report fifteen days after the committee begins the process of raising or spending  
32 money. After such initial report, the committee shall file quarterly disclosure  
33 reports as required by subdivision (3) of subsection 1 of this section until such  
34 time as the reports required by subdivisions (1) and (2) of subsection 1 of this  
35 section are to be filed. In addition the committee shall file a second disclosure  
36 report no later than the fifteenth day after the deadline date for submitting such  
37 petition. The period covered in the initial report shall begin on the day the  
38 committee first accepted contributions or made expenditures to support or oppose  
39 the petition effort for qualification of the measure and shall close on the fifth day  
40 prior to the date of the report;

41         (2) If the measure has qualified to be on the ballot in an election and if  
42 a committee subject to the requirements of subdivision (1) of this subsection is  
43 also required to file a preelection disclosure report for such election any time  
44 within thirty days after the date on which disclosure reports are required to be  
45 filed in accordance with subdivision (1) of this subsection, the treasurer of such  
46 committee shall not be required to file the report required by subdivision (1) of  
47 this subsection, but shall include in the committee's preelection report all  
48 information which would otherwise have been required by subdivision (1) of this  
49 subsection.

50         3. The candidate, if applicable, treasurer or deputy treasurer of a  
51 committee shall file disclosure reports pursuant to this section, except for any

52 calendar quarter in which the contributions received by the committee or the  
53 expenditures or contributions made by the committee do not exceed five hundred  
54 dollars. The reporting dates and periods covered for such quarterly reports shall  
55 not be later than the fifteenth day of January, April, July and October for periods  
56 closing on the thirty-first day of December, the thirty-first day of March, the  
57 thirtieth day of June and the thirtieth day of September. No candidate, treasurer  
58 or deputy treasurer shall be required to file the quarterly disclosure report  
59 required not later than the fifteenth day of any January immediately following  
60 a November election, provided that such candidate, treasurer or deputy treasurer  
61 shall file the information required on such quarterly report on the quarterly  
62 report to be filed not later than the fifteenth day of April immediately following  
63 such November election. Each report by such committee shall be cumulative from  
64 the date of the last report.

65 In the case of the continuing committee's first report, the report shall be  
66 cumulative from the date of the continuing committee's organization. Every  
67 candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign  
68 disclosure reports covering the quarter immediately preceding the date of the  
69 election and those required by subdivisions (1) and (2) of subsection 1 of this  
70 section. A continuing committee shall submit additional reports if it makes  
71 aggregate expenditures, other than contributions to a committee, of five hundred  
72 dollars or more, within the reporting period at the following times for the  
73 following periods:

74 (1) Not later than the eighth day before an election for the period closing  
75 on the twelfth day before the election;

76 (2) Not later than twenty-four hours after aggregate expenditures of two  
77 hundred fifty dollars or more are made after the twelfth day before the election;  
78 and

79 (3) Not later than the thirtieth day after an election for a period closing  
80 on the twenty-fifth day after the election.

81 4. The reports required to be filed no later than the thirtieth day after an  
82 election and any subsequently required report shall be cumulative so as to reflect  
83 the total receipts and disbursements of the reporting committee for the entire  
84 election campaign in question. The period covered by each disclosure report shall  
85 begin on the day after the closing date of the most recent disclosure report filed  
86 and end on the closing date for the period covered. If the committee has not  
87 previously filed a disclosure report, the period covered begins on the date the

88 committee was formed; except that in the case of a candidate committee, the  
89 period covered begins on the date the candidate became a candidate according to  
90 the definition of the term candidate in section 130.011.

91 5. Notwithstanding any other provisions of this chapter to the contrary:

92 (1) Certain disclosure reports pertaining to any candidate who receives  
93 nomination in a primary election and thereby seeks election in the immediately  
94 succeeding general election shall not be required in the following cases:

95 (a) If there are less than fifty days between a primary election and the  
96 immediately succeeding general election, the disclosure report required to be filed  
97 quarterly **need not be filed**; provided that, any other report required to be filed  
98 prior to the primary election and all other reports required to be filed not later  
99 than the eighth day before the general election are filed no later than the final  
100 dates for filing such reports;

101 (b) If there are less than eighty-five days between a primary election and  
102 the immediately succeeding general election, the disclosure report required to be  
103 filed not later than the thirtieth day after the primary election need not be filed;  
104 provided that any report required to be filed prior to the primary election and any  
105 other report required to be filed prior to the general election are filed no later  
106 than the final dates for filing such reports; and

107 (2) No disclosure report needs to be filed for any reporting period if during  
108 that reporting period the committee has neither received contributions  
109 aggregating more than five hundred dollars nor made expenditure aggregating  
110 more than five hundred dollars and has not received contributions aggregating  
111 more than three hundred dollars from any single contributor and if the  
112 committee's treasurer files a statement with the appropriate officer that the  
113 committee has not exceeded the identified thresholds in the reporting  
114 period. Any contributions received or expenditures made which are not reported  
115 because this statement is filed in lieu of a disclosure report shall be included in  
116 the next disclosure report filed by the committee. This statement shall not be  
117 filed in lieu of the report for two or more consecutive disclosure periods if either  
118 the contributions received or expenditures made in the aggregate during those  
119 reporting periods exceed five hundred dollars. This statement shall not be filed,  
120 in lieu of the report, later than the thirtieth day after an election if that report  
121 would show a deficit of more than one thousand dollars.

122 6. (1) If the disclosure report required to be filed by a committee not later  
123 than the thirtieth day after an election shows a deficit of unpaid loans and other

124 outstanding obligations in excess of five thousand dollars, semiannual  
125 supplemental disclosure reports shall be filed with the appropriate officer for each  
126 succeeding semiannual period until the deficit is reported in a disclosure report  
127 as being reduced to five thousand dollars or less; except that, a supplemental  
128 semiannual report shall not be required for any semiannual period which includes  
129 the closing date for the reporting period covered in any regular disclosure report  
130 which the committee is required to file in connection with an election. The  
131 reporting dates and periods covered for semiannual reports shall be not later than  
132 the fifteenth day of January and July for periods closing on the thirty-first day  
133 of December and the thirtieth day of June.

134 (2) Committees required to file reports pursuant to subsection 2 or 3 of  
135 this section which are not otherwise required to file disclosure reports for an  
136 election shall file semiannual reports as required by this subsection if their last  
137 required disclosure report shows a total of unpaid loans and other outstanding  
138 obligations in excess of five thousand dollars.

139 7. In the case of a committee which disbands and is required to file a  
140 termination statement pursuant to the provisions of section 130.021 with the  
141 appropriate officer not later than the tenth day after the committee was  
142 dissolved, the candidate, committee treasurer or deputy treasurer shall attach to  
143 the termination statement a complete disclosure report for the period closing on  
144 the date of dissolution. A committee shall not utilize the provisions of subsection  
145 8 of section 130.021 or the provisions of this subsection to circumvent or  
146 otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

147 8. Disclosure reports shall be filed with the appropriate officer not later  
148 than 5:00 p.m. prevailing local time of the day designated for the filing of the  
149 report and a report postmarked not later than midnight of the day [previous to  
150 the day] designated for filing the report shall be deemed to have been filed in a  
151 timely manner. The appropriate officer may establish a policy whereby disclosure  
152 reports may be filed by facsimile transmission.

153 9. Each candidate for the office of state representative, state senator, and  
154 for statewide elected office shall file all disclosure reports described in section  
155 130.041 electronically with the Missouri ethics commission. The Missouri ethics  
156 commission shall promulgate rules establishing the standard for electronic filings  
157 with the commission and shall propose such rules for the importation of files to  
158 the reporting program.

159 10. Any rule or portion of a rule, as that term is defined in section

160 536.010, RSMo, that is created under the authority delegated in this section shall  
161 become effective only if it complies with and is subject to all of the provisions of  
162 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
163 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
164 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
165 date, or to disapprove and annul a rule are subsequently held unconstitutional,  
166 then the grant of rulemaking authority and any rule proposed or adopted after  
167 August 28, 2006, shall be invalid and void.

130.057. 1. In order for candidates for election and public officials to more  
2 easily file reports required by law and to access information contained in such  
3 reports, and for the Missouri ethics commission to receive and store reports in an  
4 efficient and economical method, and for the general public and news media to  
5 access information contained in such reports, the commission shall establish and  
6 maintain an electronic reporting system pursuant to this section.

7 2. [The ethics commission may establish for elections in 1996 and shall  
8 establish for elections and all required reporting beginning in 1998 and maintain  
9 thereafter a state campaign finance and financial interest disclosure electronic  
10 reporting system pursuant to this section for all candidates required to file.] The  
11 system may be used for the collection, filing and dissemination of all reports,  
12 including monthly lobbying reports filed by law, and all reports filed with the  
13 commission pursuant to this chapter and chapter 105, RSMo. The system may  
14 be [established and] used for all reports required to be filed for [the primary and  
15 general elections in 1996 and] all elections [thereafter, except that the system  
16 may require maintenance of a paper backup system for the primary and general  
17 elections in 1996]. The reports shall be maintained and secured in the electronic  
18 format by the commission.

19 3. [When the commission determines that the electronic reporting system  
20 has been properly implemented, the commission shall certify to all candidates and  
21 committees required to file pursuant to this chapter that such electronic reporting  
22 system has been established and implemented. Beginning with the primary and  
23 general elections in 2000, or the next primary or general election in which the  
24 commission has made certification pursuant to this subsection, whichever is  
25 later,] Candidates and all other committees **which are not required to file**  
26 **reports electronically with the Missouri ethics commission** shall file  
27 reports by using either the electronic format prescribed by the commission or  
28 paper forms provided by the commission for that purpose[. Continuing],



29 **whichever reporting method the committee chooses. Except as**  
30 **provided in subsection 9 of section 130.046,** committees shall file reports by  
31 electronic format prescribed by the commission[, except continuing committees  
32 which make contributions equal to or less than fifteen thousand dollars in the  
33 applicable calendar year. Any continuing committee which makes contributions  
34 in support of or opposition to any measure or candidate equal to or less than  
35 fifteen thousand dollars in the applicable calendar year shall file reports on paper  
36 forms provided by the commission for that purpose or by electronic format  
37 prescribed by the commission, whichever reporting method the continuing  
38 committee chooses]. The commission shall supply a computer program which  
39 shall be used for filing by modem or by a common magnetic media chosen by the  
40 commission. In the event that filings are performed electronically, the candidate  
41 shall file a signed original written copy within five working days; except that, if  
42 a means becomes available which will allow a verifiable electronic signature, the  
43 commission may also accept this in lieu of a written statement.

44 4. [Beginning January 1, 2000, or on the date the commission makes the  
45 certification pursuant to subsection 3 of this section, whichever is later, all  
46 reports filed with the commission by any candidate for a statewide office, or such  
47 candidate's committee, shall be filed in electronic format as prescribed by the  
48 commission; provided however, that if a candidate for statewide office, or such  
49 candidate's committee receives or spends five thousand dollars or less for any  
50 reporting period, the report for that reporting period shall not be required to be  
51 filed electronically.

52 5.] A copy of all reports filed in the state campaign finance electronic  
53 reporting system shall be placed on a public electronic access system so that the  
54 general public may have open access to the reports filed pursuant to this  
55 section. The access system shall be organized and maintained in such a manner  
56 to allow an individual to obtain information concerning all contributions made to  
57 or on behalf of, and all expenditures made on behalf of, any public official  
58 described in subsection 2 of this section in formats that will include both written  
59 and electronically readable formats.

60 [6.] 5. All records that are in electronic format, not otherwise closed by  
61 law, shall be available in electronic format to the public. The commission shall  
62 maintain and provide for public inspection, a listing of all reports with a complete  
63 description for each field contained on the report, that has been used to extract  
64 information from their database files. The commission shall develop a report or

65 reports which contain every field in each database.

66 [7.] 6. Annually, the commission shall provide, without cost, a  
67 system-wide dump of information contained in the commission's electronic  
68 database files to the general assembly. The information is to be copied onto a  
69 medium specified by the general assembly. Such information shall not contain  
70 records otherwise closed by law. It is the intent of the general assembly to  
71 provide open access to the commission's records. The commission shall make  
72 every reasonable effort to comply with requests for information and shall take a  
73 liberal interpretation when considering such requests.

130.071. 1. If a successful candidate, or the treasurer of his candidate  
2 committee, **or the successful candidate who also has served as a**  
3 **treasurer or deputy treasurer or deputy treasurer of any committee**  
4 **defined by section 130.011** fails to file the [disclosure] reports which are  
5 required by this chapter, the candidate shall not take office until such reports are  
6 filed **and all fees assessed by the commission are paid.**

7 2. In addition to any other penalties provided by law, no person may file  
8 for any office in a subsequent election until he **or she** or the treasurer of his **or**  
9 **her** existing candidate **committee or any committee defined under section**  
10 **130.011 in which he or she is a treasurer or deputy treasurer** has filed  
11 all required campaign disclosure reports for all prior elections **and paid all fees**  
12 **assessed by the commission.**

138.190. There is hereby created within the state department of revenue  
2 a commission to be known and designated as the "State Tax Commission". The  
3 director of revenue shall have no supervision, authority or control over such  
4 actions or decisions of the state tax commission as relates to its duties prescribed  
5 by law. The state tax commission shall be composed of three members, chosen  
6 from the two major political parties, who shall be appointed by the governor, with  
7 the advice and consent of the senate, one of whom shall be designated chairman,  
8 and to hold office for staggered terms of six years; provided, however, that of  
9 members first appointed, one member shall be appointed for a term of two years,  
10 one member for a term of four years, and one member for a term of six  
11 years. Each commissioner shall hold office until his successor shall  
12 qualify. **Whenever the term of a commissioner expires, the governor**  
13 **shall reappoint such commissioner for another term or appoint a**  
14 **successor within thirty days of the date that the commissioner's term**  
15 **expires.**

138.200. 1. Each commissioner shall be a qualified voter and taxpayer  
2 and resident of the state for at least five years next preceding his appointment.  
3 At all times the state tax commission shall be so constituted that not more than  
4 two members shall be of the same political party.

5 2. In the event of a vacancy occurring while the general assembly is not  
6 in session, the governor may appoint a temporary member of the commission to  
7 serve until such time as a permanent appointment can be made with the advice  
8 and consent of the senate. **Such appointment shall be made within thirty**  
9 **days of the vacancy occurring.**

10 3. Each commissioner shall devote his full time and efforts to the  
11 discharge of his duties and shall not accept any private employment of any kind  
12 or nature while serving on the commission nor hold any other office under the  
13 laws of this state, or any city, or county, or city and county, in this state, nor any  
14 office under the government of the United States.

15 4. No commissioner or employee of the commission shall hold any position  
16 of profit, engage in any occupation or business interfering with, or inconsistent  
17 with, his duties as commissioner or employee. No person is eligible to  
18 appointment or shall hold the office of commissioner, or be appointed by the  
19 commission, or hold any office or position under the commission, who holds any  
20 official office or position or who is a stockholder or who is in any wise pecuniarily  
21 interested in any common carrier, public utility, or any other corporation whose  
22 original assessment is made by the commission, as provided by this chapter. The  
23 words "original assessment" as used herein shall not be held or construed to  
24 include the assessment of corporation franchise tax.

215.020. 1. There is hereby created and established as a governmental  
2 instrumentality of the state of Missouri the "Missouri Housing Development  
3 Commission" which shall constitute a body corporate and politic.

4 2. The commission shall consist of the governor, lieutenant governor, the  
5 state treasurer, the state attorney general, and six members to be selected by the  
6 governor, with the advice and consent of the senate. The persons to be selected  
7 by the governor shall be individuals knowledgeable in the areas of housing,  
8 finance or construction. Not more than four of the members appointed by the  
9 governor shall be from the same political party. The members of the commission  
10 appointed by the governor shall serve the following terms: Two shall serve two  
11 years, two shall serve three years, and two shall serve four years,  
12 respectively. Thereafter, each appointment shall be for a term of four

13 years. **Whenever the term of a commissioner expires, the governor shall**  
14 **reappoint such commissioner for another term or appoint a successor**  
15 **within thirty days of the date that the commissioner's term expires.** If  
16 for any reason a vacancy occurs, the governor, with the advice and consent of the  
17 senate, shall appoint a new member to fill the unexpired term. **Such**  
18 **appointment shall be made within thirty days of the vacancy**  
19 **occurring.** Members are eligible for reappointment.

20 3. Six members of the commission shall constitute a quorum. No vacancy  
21 in the membership of the commission shall impair the right of a quorum to  
22 exercise all the rights and perform all the duties of the commission. No action  
23 shall be taken by the commission except upon the affirmative vote of at least six  
24 of the members of the commission.

25 4. Each member of the commission appointed by the governor is entitled  
26 to compensation of fifty dollars per diem plus his reasonable and necessary  
27 expenses actually incurred in discharging his duties under sections 215.010 to  
28 215.250.

286.010. There is hereby created and established a separate department  
2 of the state government to be known as "The Department of Labor and Industrial  
3 Relations". Such department shall be under the control, management and  
4 supervision of a commission to be known and designated as "The Labor and  
5 Industrial Relations Commission of Missouri". Such commission shall consist of  
6 three members, each of whom shall have resided in this state for at least five  
7 years immediately prior to the person's appointment, to be appointed by the  
8 governor, by and with the advice and consent of the senate. **Whenever the**  
9 **term of a commissioner expires, the governor shall reappoint such**  
10 **commissioner for another term or appoint a successor within thirty**  
11 **days of the date that the commissioner's term expires.** One member of the  
12 commission shall be a person who, on account of the person's previous vocation,  
13 employment, affiliation or interests shall be classified as a representative of  
14 employers, and one member who, on account of the person's previous vocation,  
15 employment, affiliation or interests shall be classified as a representative of  
16 employees, and one member, who, by reason of the person's previous activities  
17 and interests shall be classified as a representative of the public and who is  
18 licensed to practice law in the state of Missouri; provided, however, that not more  
19 than two members of the commission shall be of the same political party. A  
20 member of the commission shall be designated by the governor as the chairman

21 of the commission. During the member's term of membership on the commission,  
22 no member shall engage in any other business, vocation or employment, or serve  
23 as an officer or committee member of any political party or organization. Any two  
24 commissioners shall constitute a quorum. The governor shall fill any vacancy  
25 within ~~[sixty]~~ **thirty** days but no vacancy shall impair the right of the remaining  
26 commissioners to exercise all powers of the commission.

386.050. The commission shall consist of five members who shall be  
2 appointed by the governor, with the advice and consent of the senate, and one of  
3 whom shall be designated by the governor to be chair of the commission. Each  
4 commissioner, at the time of the commissioner's appointment and qualification,  
5 shall be a resident of the state of Missouri, and shall have resided in the state for  
6 a period of at least five years next preceding the appointment and qualification,  
7 and shall also be a qualified voter therein and not less than twenty-five years of  
8 age. Upon the expiration of each of the terms of office of the first commissioners,  
9 the term of office of each commissioner thereafter appointed shall be six years  
10 from the time of the commissioner's appointment and qualification and until his  
11 successor shall qualify. **Whenever the term of a commissioner expires, the**  
12 **governor shall reappoint such commissioner for another term or**  
13 **appoint a successor within thirty days of the date that the**  
14 **commissioner's term expires.** Vacancies in the commission shall be filled by  
15 the governor for the unexpired term **and such appointments to fill vacancies**  
16 **shall be made within thirty days of the vacancy occurring.**

621.015. The "Administrative Hearing Commission" is assigned to the  
2 office of administration. It shall consist of no more than three  
3 commissioners. The commissioners shall be appointed by the governor with the  
4 advice and consent of the senate. The term of each commissioner shall be for six  
5 years and until his successor is appointed, qualified and sworn. **Whenever the**  
6 **term of a commissioner expires, the governor shall reappoint such**  
7 **commissioner for another term or appoint a successor within thirty**  
8 **days of the date that the commissioner's term expires. If a vacancy**  
9 **occurs, the governor shall appoint a commissioner to serve for the**  
10 **remainder of the term and such appointment shall occur within thirty**  
11 **days of the vacancy.** The commissioners shall be attorneys at law admitted to  
12 practice before the supreme court of Missouri, but shall not practice law during  
13 their term of office. Each commissioner shall receive annual compensation of  
14 fifty-one thousand dollars plus any salary adjustment provided pursuant to

15 section 105.005, RSMo. Each commissioner shall also be entitled to actual and  
16 necessary expenses in the performance of his duties. The office of the  
17 administrative hearing commission shall be located in the City of Jefferson and  
18 it may employ necessary clerical assistance, compensation and expenses of the  
19 commissioners to be paid from appropriations made for that purpose.

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